

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 26th November 1949.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, the Deputy President (SRI K. VENKATASWAMI NAYUDU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Absorption of the public servants of the Pudukkottai State after its merger in the Madras Province.

* 50-A Q.—JANAB ABDUL LATIF FAROOKHI (on behalf of Dr. V. K. John) : Will the Hon. the Premier be pleased to state—

(a) the date on which Pudukkottai State was merged with Madras Province;

(b) whether all the former servants of the Pudukkottai State have been absorbed into the service of this Province and whether all the public servants who were in the permanent service of the Pudukkottai State are now treated as permanent servants of this Province;

(c) if all the servants have not been absorbed, what the reason is for not absorbing them;

(d) whether the Pudukkottai Government servants absorbed into this Province are getting the same pay as other Madras Province servants of the same cadre;

(e) whether all the departments of the State have been absorbed, and if so, whether the absorption of the Public Works, Education and Co-operative Departments of the State has been completed and if not, what the reasons for the delay in completing the absorption of all the departments are;

(f) whether the public servants of the Pudukkottai State absorbed into the service of this Province are getting dearness allowances at Provincial rates;

(g) whether representations have been made to the Hon. Premier on behalf of the public servants who were in the service of the Pudukkottai State in the matter of dearness allowance; and whether final orders have been passed on their representation; and

(h) whether the Government are aware that there is widespread feeling among the inhabitants of the areas comprising the former Pudukkottai State in regard to the administration after merger, that the inhabitants and Government servants were happier and more contented before the merger than they are now?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier) :—

“(a) 3rd March 1948.

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“(b) Orders laying down the general principles of absorption of the State staff have been issued in G.O. Ms. No. 655, Public (Political), dated 26th March 1949, a copy^a of which is placed on the Table of the House. Proposals submitted by the Collector of Tiruchirappalli and/or the Heads of Departments concerned in this regard are dealt with in the Departments of the Secretariat concerned who issue necessary orders in this matter.

“(c) The question does not arise in view of the answer to clause (b) above.

“(d) The answer is in the affirmative.

“(e) The administration of all the Departments of the State has been taken over by this Government and orders regarding the absorption of the State staff are being issued as soon as proposals from the Collectors or Heads of Departments are received and examined.

“(f) Yes.

“(g) The answer is in the affirmative; final orders have been passed sanctioning dearness allowance at Provincial rates.

“(h) The Government have no information.”

SRI R. SURYANARAYANA RAO :—“As this is a Government Order issued by the Political Department, may I know why the provisions of the Government Order should not be applicable to all departments which are working in the Pudukkottai State and why each department should issue a fresh Government Order?”

THE HON. DR. T. S. S. RAJAN :—“As it has been absorbed and brought under the control of the Government, we have to enforce the rules and make them applicable to it.”

SRI R. SURYANARAYANA RAO :—“The merger took place in 1948. Should it take so much time to issue departmental Government Orders in respect of various departments of the State?”

THE HON. DR. T. S. S. RAJAN :—“From my answers the hon. Gentleman would have noticed that we have taken practically all departments without any exception. It has taken all these days to bring the departments under order and have the financial sanction made for paying dearness allowance, etc.”

SRI R. SURYANARAYANA RAO :—“May I know if the teachers employed in Government schools in Pudukkottai State have been absorbed and the Government Orders relating to them have been passed by the Education Department?”

THE HON. DR. T. S. S. RAJAN :—“I have not the information just now, but a separate question may be put.”

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SRI R. SURYANARAYANA RAO :—“ May I know whether these Government Orders are applicable to the merged State of Sandur? ”

THE HON. DR. T. S. S. RAJAN :—“ This is about Pudukkottai, Sir.”

SRI R. SURYANARAYANA RAO :—“ The Government Orders placed on the Table refer to Banganapalle also. May I know whether these Government Orders would be applicable to Sandur State also? ”

THE HON. DR. T. S. S. RAJAN :—“ I cannot give a definite answer, but I presume what applies to Pudukkottai would also apply to Banganapalle and Sandur.”

Women patrollers for the City of Madras.

* 51 Q.—JANAB ABDUL LATIF FAROOKHI (on behalf of Mrs. M. N. Clubwala) : Will the Hon. the Premier be pleased to state whether the Government will provide women patrollers in the City of Madras?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier) :—“ There is one woman patroller in Stri Sadana. There is no proposal to appoint any additional women patrollers at present.”

Production, import and distribution of cement in the Province.

* 52 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Works be pleased to state—

(a) what quantity of indigenous cement is produced in the various factories in the Province;

(b) whether the production is commensurate with the consumption and if not, what steps are being taken to increase production;

(c) what quantity of cement was imported into the Province during the past three years to meet the needs of the Province;

(d) whether the prices fixed for the imported cement and the indigenous cement are the same;

(e) what circumstances are taken into account in fixing the prices of cement; and

(f) what method of distribution is followed to ensure equitable distribution and at controlled prices?

THE HON. SRI M. BAKTAVATSALAM :—“ (a) The average output of cement per month in the various factories is as follows :—

		TONS.
Madukarai Cement Works, Coimbatore	.. ..	15,000
Dalmia Cement, Dalmiapuram	.. ..	6,000
Andhra Cement Company, Vijayavada	.. ..	2,500
Krishna Cement Factory		7,500
India Cement Company, Thalayathu, Tirunelveli		6,000

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“(b) The production of cement in this Province is just sufficient to meet the demands within this Province.

“(c) No cement was imported into this Province during January 1946 to November 1948. The total quantity imported from November to June 1949 is as follows :—

	TONS.	CWT.
November 1948	9,921	4
December 1948 to January 1949	Nil.	Nil.
February 1949	150	..
March 1949	219	18
April 1949	50	..
May 1949	124	19
June 1949	Nil.	Nil.

“(d) No.

“(e) The Government of India are fixing the price of cement on an f.o.r. basis. This Government have nothing to do in the matter.

“(f) The distribution of cement is made by the Honorary Cement Controllers at Madras and at Coimbatore, under the directions of the Director of Controlled Commodities. Detailed methods of distribution and the measures to prevent blackmarketing are provided in the Cement Control Order which has been issued by this Government.”

SRI R. SURYANARAYANA RAO :—“ May I know if as stated the production of cement is just sufficient for the consumption of this Province what circumstances prompted this Government to permit the import of cement or whether the import was permitted by the Government of India? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The import of cement was permitted not by this Government but by the Government of India and they permitted because India Cement Company had not come into production and we had not sufficient cement available for this Province.”

SRI R. SURYANARAYANA RAO :—“ Now that the India Cement Company has come into production, will this Government, in order to prevent undue competition of cement imported from outside, represent to the Government of India that only on a request from this Government the importation of cement will be permitted? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I do not think the question of import of cement into this Province will arise hereafter; anyhow, we shall make a representation to the Government of India at the proper time.”

Sale of imported cement during 1948 and 1949.

* 53 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether during 1948 and 1949 large quantities of cement were imported and if so, what the quantities are;

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(b) whether different prices were fixed for imported cement and indigenous cement and if so, what the prices are;

(c) whether it is a fact that in order to promote the sale of imported cement, the Government compelled consumers of cement to take certain quantities of imported cement sold at higher rates;

(d) whether the Government have received any representations from the consumers regarding the hardships caused by much compulsion;

(e) whether the Government have since relaxed the restrictions and if so, what the revised order is;

(f) whether the importers obtained the consent of Government before importing cement and also mentioned the possibility of fixing higher price for sale to consumers;

(g) what was the necessity for this Government to insist on consumers buying imported cement in certain proportions;

(h) whether the Government passed orders insisting on compulsory purchase of imported cement by consumers of their own accord or under instructions from the Government of India;

(i) whether this Government sent any representation to the Government of India on the subject;

(j) whether the Government will make a full statement on the measures taken to control the price and distribution of cement in the Province; and

(k) whether it is proposed to associate an Advisory Committee in the distribution system as in the case of iron and steel?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) No cement was imported into this Province during January 1946 to November 1948.

“The total quantity of cement imported into the Province during November 1948 to June 1949 is as follows :—

	TONS.	CWT.
November 1948	9.921	4
December 1948 to January 1949	Nil.	Nil.
February 1949	150	..
March 1949	249	18
April 1949	50	..
May 1949	124	19
June 1949	Nil.	Nil.

“(b) Yes. The price of cement imported from outside India except cement imported from Pakistan should not exceed Rs. 157-8-0 per ton ex-godown at the place of import, inclusive of Rs. 16-8-0 import duty. The price of Pakistan cement, should not exceed Rs. 144 per ton at the place of import. The price of all portland cement produced in India except at Tirunelveli and Travancore is fixed at Rs. 82-8-0 per ton in full wagon loads f.o.r. destinations. The price of the Tirunelveli and Travancore cements has temporarily been

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fixed at Rs. 90 per ton in full wagon loads f.o.r. destination for a period of one year from 1st July 1949.

“(c) With a view to relieve the acute shortage of cement in the beginning of November 1948, cement was imported into this Province, under the orders of the Government of India by the Indo-Pakistan Trading Corporation. Subsequently it was reported that a large quantity was forming into lumps and getting spoiled as it could not find a sale. It was therefore originally directed that 50 per cent of the requirements of the public in the Madras City should be supplied with indigenous cement and the balance in imported cement.

“(d) Yes.

“(e) Yes. The order was subsequently modified to the effect that compulsory issue of Pakistan cement should be restricted to big consumers, i.e., those applying for more than 20 tons exempting charitable institutions, colleges, etc., and that all other consumers applying for less than 20 tons might be supplied with indigenous cement only.

“(f) The consent was given by the Government of India who also fixed the price for sale to consumers.

“(g) It was only with a view to avoid the imported cement from being wasted.

“(h) The Government passed orders of their own accord, on the recommendation of the Cement Policy Committee that existed here.

“(i) The general position was explained to Government of India.

“(j) The price is fixed by the Government of India. Regarding distribution, the control order will explain the position.

“(k) No.”

SRI R. SURYANARAYANA RAO :—“ May I know, before this Indo-Pakistan Company imported cement into this Province, whether the Government of India had consulted this Government if they would be able to absorb the cement imported by that company which was to be sold at higher prices? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I want notice of the question, Sir.”

SRI S. B. ADITYAN :—“ May I know for what reasons Pakistan cement is allowed to be sold at Rs. 144 whereas the price fixed for similar cement produced in India is Rs. 90? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, the Government of India fixed the price of Pakistan cement at a higher level taking into account the transport charges.”

SRI R. SURYANARAYANA RAO :—“ May I know whether this Government represented to the Government of India that they were not prepared to lay down this rule that consumers of cement should take certain quantities of imported cement sold at a higher

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price, and in order to make up the deficit in this Province that cement manufactured elsewhere which was sold at the same rate throughout this country should be imported into this Province? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Cement manufactured elsewhere was not available for import and, therefore, we had to agree to the import of Pakistan cement at a higher rate.”

Officers of the Industries Department deputed for foreign studies.

* 54 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state— 11-15
a.m.

(a) the names of officers of the Department of Industries who were deputed for foreign studies and the subjects in which they specialized;

(b) whether any or all of them have returned after completing their studies;

(c) the posts they were holding before deputation and the posts they are holding after their return from foreign studies;

(d) whether there is a proposal to send another batch of officers for studies abroad;

(e) whether the officers chosen will be those already chosen but have not proceeded or whether it is proposed to prepare a fresh up-to-date list; and

(f) whether any change is proposed in the scheme of foreign studies and if so, what the revised scheme is?

THE HON. SRI H. SITARAMA REDDI (on behalf of Hon. the Minister for Industries) :—“ (a) A statement^a furnishing the information is placed on the table of the House.

“ (b) All the officers excepting two, viz., Sri Y. Nayudamma and Sri A. N. Raju have returned after completing their studies.

“ (c) This information is furnished in the statement placed on the table of the House with reference to clause (a) of the question.

“ (d) Yes. But it is not proposed to depute any officer from the Industries Department.

“ (e) It is proposed to prepare a fresh list. But it is not proposed to select any officer from the Industries Department.

“ (f) The hon. Member is referred to the answer given to clause (e) of the Council Question No. 6 answered on 24th June 1949.”

SRI R. SURYANARAYANA RAO :—“ May I know if the Hydrogenation Factory at Kozhikode is now under process of construction? ”

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THE HON. SRI H. SITARAMA REDDI :—" Yes."

SRI R. SURYANARAYANA RAO :—" If so, why is an officer who was specially sent to specialise in vegetable oil hydrogenation made to rot as a District Industries Officer instead of taking charge of the factory now under construction? "

THE HON. SRI H. SITARAMA REDDI :—" I believe it is intended to utilise that officer at a later stage if he has not already been appointed."

SRI R. SURYANARAYANA RAO :—" Is it not advantageous if the officer who has been trained for this purpose is employed for this work? "

THE HON. SRI H. SITARAMA REDDI :—" I believe that somebody has already been posted. However, the suggestion of the hon. Member is very good and will be communicated to the Director of Industries to see what can be done in the matter."

Confirmation of gazetted officers.

* 55 Q.—JANAB ABDUL LATIF FAROOKHI: Will the Hon. the Premier be pleased to state—

(a) the number of gazetted officers in the Province that are awaiting confirmation after completing their probation in the various departments;

(b) whether it is a fact that after the 15th August 1947, when India attained Independence, no Government servant in the gazetted rank in the Province has been confirmed even after completion of probation;

(c) if so, why; and

(d) what the number of such officers awaiting confirmation is?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier) :—" (a) & (d) The Government have no information and they consider that the time and labour involved in the collection of the information will not be commensurate with any public interest served.

" (b) No. Many such Government servants have been confirmed.

" (c) Does not arise."

JANAB ABDUL LATIF FAROOKHI :—" Cannot the Government give this House an idea of how many Gazetted Officers have not been confirmed after the 15th August 1947? "

THE HON. DR. T. S. S. RAJAN :—" That is exactly what the Government consider as waste of time and not worth while."

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SRI R. SURYANARAYANA RAO :—“ May I know whether the Government will bring to the notice of the Heads of Departments that if there are such officers who have already completed their probation, the question of confirming them or extending their probation should be taken up? ”

THE HON. DR. T. S. S. RAJAN :—“ This is not a question of completion of probation only, but is one of finding a job for them to be made permanent and that would take some time to enquire. Therefore the question could not be answered straightaway.”

SRI R. SURYANARAYANA RAO :—“ Sir, the question is whether there are a number of officers awaiting confirmation after completing their probation in the various Departments. They must be working in these Departments for a long time and they must have completed their probation. Should not the Government ask the Heads of Departments to take up the question of either confirming these officers or extending their probation if they felt that these officers have not completed their probation to their satisfaction? ”

THE HON. DR. T. S. S. RAJAN :—“ Sir, the question of confirmation arises only if there is a permanent vacancy and not otherwise.”

JANAB ABDUL LATIF FAROOKHI :—“ Do the Government consider that these temporary appointments which are accepted by these officers are unnecessary? If so, why not see that these people are got rid of? ”

THE HON. DR. T. S. S. RAJAN :—“ No, Sir. The exigencies of service require such temporary appointments.”

JANAB ABDUL LATIF FAROOKHI :—“ For how long these temporary appointments will continue? ”

THE HON. DR. T. S. S. RAJAN :—“ It all depends upon the necessity of cases. If there is need for temporary officers, we will appoint them.”

SRI R. SURYANARAYANA RAO :—“ The Retrenchment Committee have suggested to the Government that the question whether these temporary posts should be continued or they should be made permanent after a certain period should be examined. May I know whether the Government have asked the Heads of Departments to examine this question with regard to their Departments? ”

THE HON. DR. T. S. S. RAJAN :—“ The recommendations of the Retrenchment Committee have all been considered and as and when they are accepted, by the Government, they are put into effect.”

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The Bhyravana Thippa Project in Bellary district.

* 56 Q.—SRI N. SANKARA REDDI (on behalf of Sri B. Bhima Rao): Will the Hon. Minister for Public Works be pleased to state—

(a) whether the Bhyravana Thippa Project in Bellary district has been taken up for execution during the current year; and

(b) if not, the reasons for the delay?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) & (b) The scheme has not yet been sanctioned for execution as the investigation of its revenue and financial aspects is not yet complete, but is in progress.”

SRI S. JAYARAMA REDDI :—“May I know when the Government will take up this work?”

THE HON. SRI M. BHAKTAVATSALAM :—“I do hope that it will be possible to inaugurate the construction of the Project by January next.”

Industries that got state-aid during 1948-49.

* 57 Q.—SRI MOTHEY NARAYANA RAO: Will the Hon. the Minister for Industries be pleased to state—

(a) whether all the industries that have received State-aid from the Government during 1948-49 are existing ones or new industries to be started after receiving the said aid; and

(b) the nature of the industry, the name of the company, the owner, manager or managing director, and the amount of State-aid given to each of the industries?

THE HON. SRI H. SITARAMA REDDI (on behalf of Hon. the Minister for Industries) :—“(a) & (b) A statement^a containing the information is placed on the table of the House.”

Collection of foodgrains from ryots in villages.

* 58 Q.—SRI N. SANKARA REDDI (on behalf of Sri B. Bhima Rao): Will the Hon. Minister for Food be pleased to state—

(a) whether the procurement officers could go a second or even a third time to any ryot in a village and demand delivery of further quantity of foodgrains from him over and above what he was required to deliver on a prior occasion and whether, if the ryot could not deliver in accordance with such subsequent demands on the ground that it is excessive, he is liable to prosecution; and

(b) whether any authority has been invested with the power to adjudicate upon the justice of the subsequent demand or whether it should be determined by the trial court only?

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THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) Yes. Under clause 3 (2) of the Madras Foodgrains (Intensive Procurement) Order 1948, the surplus once determined may be altered from time to time and the surplus re-determined either by the officer who determined it in the first instance or by any other higher authority. Whenever the surplus is re-determined under this clause, a revised ‘d’ list will be issued to the concerned ryot and failure to comply with it will render the person liable to prosecution.

“(b) Yes. If the ryot has any grievance in regard to the justice of the demand, he may look into the village procurement registers ‘A’ and ‘B’ which show the yield the requirements and the surplus and satisfy himself about the reasonableness of the surplus demanded of him. If he is still not satisfied and feels that the demand is unjust, he may appeal to the Taluk Supply Officer concerned.”

SRI R. SURYANARAYANA RAO :—“Who redetermines this surplus in the case of the ryots?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“On information received, the Procurement Officer goes and verifies the stocks and when he finds some surplus over and above the first supply given to the Government, he decides the second list.”

SRI R. SURYANARAYANA RAO :—“When the surplus lists are scrutinised by the higher revenue officials, how would the surplus go on changing except for the fact that a particular village has to supply a certain quantity and that quantity must be somehow got from some ryots leaving out the other ryots?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“When once the list is made out, it is sometimes found that either the first list has not been properly made or something is left out or some stock has been hidden. These are found out later on and that is why there is the necessity for us to have a second revised list.”

SRI R. SURYANARAYANA RAO :—“May I know whether this redetermination of surplus happens only in the case of smaller ryots?”

THE HON. SRI J. L. P. ROCHE VICTORIA :—“Not necessarily so, Sir.”

Article under ‘Sidelights’ published in the “Swatantra” of 5th November 1949.

* 59 Q.—SRI N. SANKARA REDDI (on behalf of Sri B. Bhima Rao) : Will the Hon. the Premier be pleased to state—

(a) whether the Government have perused the article “Sidelight” published in the *Swatantra* of November 5th, 1949 at page 8—beginning with the sentence “After the Radium Scandal, the Secretariat Scandal”;

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(b) whether the Government have caused any investigation to be made in respect of the alleged scandals and if so, to lay on the table of the House the reports of the authorities concerned; and

(c) if not, what the true facts relating to the alleged scandals are?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“(a) The article has been brought to the notice of the Government.

“(b) There was no ‘Secretariat scandal’ and no investigation was therefore necessary.

“(c) The true facts of the case are—The Government published advertisements in the newspapers calling for tenders for the purchase of some of their condemned vehicles including this Chevrolet Delivery Van M.S.C. 4768. No tender was received for this van. Then the Assistant Secretary in question offered Rs. 500 for it. This was on the 13th August 1949. With a view to ascertaining whether higher offers would be forthcoming the sale of the van was again advertised in the *Hindu* and *Mail* in two consecutive issues. In a letter, dated 23rd August 1949 received by the Chief Secretary to the Government on the 24th August 1949, the proprietor of a firm in Egmore offered Rs. 500. But this was not accompanied with a deposit fee of Rs. 100 as required in the advertisements, nor did it comply with other conditions specified in the advertisements. This was not therefore a valid tender. It was however decided to consider his application at the proper time. The Provincial Motor Transport Controller was then consulted by the Government regarding the value of the vehicle and he reported that the offer of Rs. 500 for it might be accepted. An enquiry was made on the 21st September whether the proprietor of the Egmore firm would be prepared to take delivery of the van and pay the price immediately in case the Government decided to sell it to him. On receiving his affirmative reply the Government considered both the applications. They decided to sell the van to the Assistant Secretary as his offer was the first. There was nothing wrong or improper in the Government choosing to sell the van to him. There was nothing shady or suspicious in the transaction. There was no loss to the Government and it can definitely be stated that the purchase by the Assistant Secretary was not effected under any circumstance involving fraud or abuse of official position. Some days after buying the van the purchaser seems to have decided to sell it as it would not be useful for his purpose. The Government are not concerned with this or the rest of the story. It may, however, be mentioned that the proprietor of the firm in Egmore has sent a lawyer's notice to the Government accusing them of breach of contract, etc., and he has been informed that his claim is unsustainable.”

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SRI S. B. ADITYAN :—“ May I know whether the Government had taken any steps against the paper which has published such a report without basis? ”

THE HON. SRI B. GOPALA REDDI :—“ I wish we had some power to curb such mischievous papers.”

SRI R. SURYANARAYANA RAO :—“ Sir, the article in question was published on the 5th November. Is it not fair in the interests of the officer concerned, that the Government should have issued a Press Communique, without waiting till this question was put and answered on the floor of the House, as such scandals gain strength when they are not contradicted in time? ”

THE HON. SRI B. GOPALA REDDI :—“ We do not think it worthwhile to contradict all scandals published in that particular paper.”

Radium needles used in the Barnard Institute of Radiology.

* 60 Q.—**SRI R. SURYANARAYANA RAO :** Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government ordered a special enquiry into the working of the Government General Hospital, Madras, last year;

(b) whether the working of the Barnard Institute of Radiology formed part of the enquiry;

(c) whether the findings of the enquiry were embodied in a Press Note and issued sometime ago, and if so, what the Press Note is;

(d) whether the quantity of Radium needles used in the Barnard Institute of Radiology formed the subject of the enquiry, and if so, what the findings are in this regard;

(e) whether all or any of the Radium needles used or ordered were found to be of sub-medium quality;

(f) whether it is a fact that the use of sub-medium quality needles is injurious, and if so, whether their use has been stopped;

(g) what steps have been taken to replace the sub-medium quality needles by needles of the standard quality?

THE HON. DR. T. S. S. RAJAN :—“ (a) In 1948 the Hon. Minister Dr. T. S. S. Rajan was requested by the Hon. the Premier to enquire into certain complaints received about the working of the hospital.

“ (b) Yes.

“ (c) Yes; copies of the Press Notes ^a issued in that connexion are laid on the table.

“ (d) No.

“ (e) The needles ordered recently from America have been tested for the even distribution of Radium Sulphate inside them. Two hundred and eighty-six needles out of 315 received from the American Company are not up to the specifications stipulated in the contract.

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“(f) It was reported to Government that the use of the American needles had not been found to be injurious. Out of a total of 604 patients treated in the General Hospital since January 1948—the month of issue of these American needles, 223 patients had been treated exclusively by the new American needles, 236 patients had been treated exclusively by the old English needles and 145 patients had been treated by a combination of both the American and English needles.

“Though the clinical results obtained in respect of these different groups of patients had been reported to be similar and the clinical use of the American needles had been reported to be not injurious, in view however of the opinion of eminent physicists in India and England against the use of these needles on the basis of the autophotographs seen by them, the Government have ordered the withdrawal of these needles from use, pending examination by the Superintendent, and one or two experts, of the question whether it would be wise to use the needles, before they have been rectified.

“(g) Every possible step has been taken to replace these needles by correctly filled ones. As a test whether the company would be able to meet the requirements of the Director of Barnard Institute of Radiology, six needles have been sent by him to the company in the first instance for such rectification. If these remade needles conform to the standard demanded by the Director, the other 280 needles will be sent for such remaking or else the whole stock of 315 needles purchased would be sent back to the company and the entire amount paid for the needles will be claimed back.”

SRI R. SURYANARAYANA RAO :—“ If the use of these needles did not produce any ill effects, why should the Government withdraw the needles from use and thus deprive the patients of their benefit? ”

THE HON. DR. T. S. S. RAJAN :—“ The treatment has been continued where we have got stocks which we can use. The question of using these needles is with regard to the particular cases of treatment. As long as we have stocks of these, we are using them. Therefore the question of depriving the patients does not arise.”

11-30
a.m.

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the existing stock of needles is sufficient to treat the large number of cases especially in the Cancer Department? ”

THE HON. DR. T. S. S. RAJAN :—“ Yes, Sir, we have been successfully treating the cases with the present stock.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the Surgeon-General has at any time pointed out the desirability of withdrawing these needles even though there were no ill-effects from their use? ”

THE HON. DR. T. S. S. RAJAN :—“ Whenever any defects are noticed, it follows that they must be rectified. The Surgeon-General has done that.”

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SRI R. SURYANARAYANA RAO :—“ So long as the clinical effects of these needles are the same as those of good ones, will not the withdrawal of the needles unnecessarily put the patients to the necessity of waiting for their turn for treatment, even when needles are available? ”

THE HON. DR. T. S. S. RAJAN :—“ The clinical results have been found to be satisfactory and the needles were not defective as such. But the defect was found in the distribution of radium-sulphate in those needles in the possession of the Government. These will be sent back for rectification if that is reported to be possible by the firm.”

SRI R. SURYANARAYANA RAO :—“ The Hon. the Minister has said that some eminent physicists were consulted before the withdrawal of these needles was ordered. May I know, Sir, whether the opinions given by these physicists were in favour of withdrawal of the needles? ”

THE HON. DR. T. S. S. RAJAN :—“ I am sorry, Sir, there is a wrong conception about these experiments. The Superintendents of the General Hospital and Stanley Hospital and an expert from outside this Province have been constituted into a Committee and the Committee has been asked to examine the needles in the possession of the Government and to see whether they can be used or should be withdrawn. It has not yet reported. Meanwhile, treatment cannot be held over and therefore we are continuing treatment with such needles as are available and good.”

SRI R. SURYANARAYANA RAO :—“ In view of the fact, Sir, that there are no ill-effects, will the Government at least tentatively continue the treatment with the help of the American needles also? ”

THE HON. DR. T. S. S. RAJAN :—“ When once it has been found to be defective, it is not fair to use the needles unless we are satisfied otherwise.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MESSAGES FROM THE ASSEMBLY.

THE DEPUTY PRESIDENT :—“ I have to announce to the House the following messages received from the Hon. the Speaker of the Madras Legislative Assembly transmitting copies of the following Bills as passed by the Assembly in accordance with Rule 94 of the Madras Assembly Rules :—

(1) On 23rd November 1949—

The Madras Buildings (Lease and Rent Control) Bill, 1949
(L.A. Bill No. 26 of 1949).

The Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 27 of 1949).

The Madras Drugs (Control) Bill, 1949, (L.A. Bill No. 28 of 1949).

[The Deputy President] [26th November 1949]

The Madras Tenants and Ryots (Protection) Bill, 1949
(L.A. Bill No. 29 of 1949).

The Madras Preservation of Private Forests Bill, 1949
(L.A. Bill No. 30 of 1949).

The Madras Jute Goods Control Bill, 1949 (L.A. Bill No. 31 of 1949).

(2) On 24th November 1949—

The Madras Hackney Carriage (Amendment) Bill, 1949
(L.A. Bill No. 33 of 1949).

The Indian Treasure Trove (Madras Amendment) Bill, 1949 (L.A. Bill No. 34 of 1949).

The Madras Rivers Conservancy (Amendment) Bill, 1949
(L.A. Bill No. 35 of 1949).

The Tuticorin Port Trust (Amendment) Bill, 1949 (L.A. Bill No. 36 of 1949).

The Madras Registration of Births and Deaths (Amendment) Bill, 1949 (L.A. Bill No. 37 of 1949).

(3) On 25th November 1949—

The Provincial Small Cause Courts (Madras Amendment) Bill, 1949 (L.A. Bill No. 38 of 1949).

and signed by him for the concurrence of the Council.

“ I have also to announce to the House the following messages received from His Excellency the Governor of Madras, dated 12th November, 1949.

“ *In pursuance of Section 299, Sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Buildings (Lease and Rent Control) Bill, 1949.*”

“ *In pursuance of Section 82, Sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Buildings (Lease and Rent Control) Bill, 1949.*”

III.—GOVERNMENT BILLS.

(1) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) BILL, 1949
(L.A. BILL NO. 26 OF 1949).

* THE HON. SRI K. MADHAVA MENON :—“ Mr. Deputy President, Sir, I move—

‘ *That the Madras Buildings (Lease and Rent Control) Bill a, 1949 (L.A. Bill No. 26 of 1949), as passed by the Legislative Assembly be taken into consideration at once.*’

There is nothing new in this Bill to be explained. This is the same as the one which this House passed in 1946 and which became the Madras Buildings (Lease and Rent Control) Act, 1946. It

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came into force on 1st October 1946. It also provided for its remaining in force for a period of two years, i.e., till 30th September 1948, and for its continuance thereafter by the Provincial Government, if necessary, by a notification in the Gazette, for a period not exceeding two years. Under this provision, the Act was extended for a period of one year in the first instance commencing from 1st October 1948. But in view of the Federal Court decision in a Bihar case saying that extension by notification, even if provided in the Act, is not valid, doubts were raised whether this extension by a notification was correct. Subsequently in a decision of the Madras High Court it was suggested that the best thing for the Government would be to bring in the entire legislation afresh instead of issuing Ordinances. We have, therefore, brought the entire Act afresh in the present Bill for the consideration of the House. Sir, I would like to inform the House that during the working of the Act, defects were noticed and certain amendments by various Members were brought to an amending Bill to this Act of 1946. A Joint Select Committee was then set up as agreed upon by both the Houses, which went into the matter and submitted its report. The report came up for consideration before the other House. By then, the original Act to which this amendment was brought, had worked itself out and there was therefore no Act to be amended then. The House considered the fact that the Act sought to be amended was not in existence and therefore agreed to the withdrawal of the Select Committee's Report. All these amendments, those to the Act proposed by the Government as well as amendments accepted during the Select Committee stage will be placed before the House shortly in an amending Bill to the present measure, if it is passed into law. Several amendments were also proposed when this Bill was discussed in the other House and the Government were prepared to accept them. All these also will be brought before this House during the next session in December 1949 so that we can examine the whole measure in detail. This is the position in regard to this Bill, and nothing new has happened since the 1946 Act was passed, except the issue of an Ordinance to validate the extension of the Act in view of the Federal Court decision. We have to make this law within a particular period.

(Dr. V. K. John: Why not wait for sometime?) This Bill should become an Act before the 4th December 1949. That is why we have come with this measure now, so soon after the Public Safety Bill was passed."

THE DEPUTY PRESIDENT :—" The motion is—

' that the Madras Buildings (Lease and Rent Control) Bill, 1949 (L.A. Bill No. 26 of 1949), as passed by the Legislative Assembly be taken into consideration at once '."

* DR. V. K. JOHN :—" Mr. Deputy President, Sir, while I deeply sympathize with the Government in their difficulties in extending the duration of a legislation which it should not have done and in also introducing a Bill which after going through the Select Committee, they had to withdraw, I am glad that the Hon. the Minister who introduced it has given an assurance that a

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comprehensive Bill without defects might be conceived, drafted and introduced in this House during the December session. Sir, as I practise in the Courts, I know the High Court has pointed out in many of *writs of certiorari* several defects in the Act itself. If anyone goes through the Act, he will find many defects. I shall just point out to the Hon. the Minister how ill-drafted the Bill was when it was originally passed. Now you will find that only certain orders are executable. I would invite the Hon. the Minister's attention to clause 9 which says that 'every order made under section 7 or 8 and every order passed on appeal under section 12 shall be executed'. Therefore, you can have an order passed under section 7 or 8 by the Controller executed by the Judge of the Small Cause Court or the Principal Judge of the Madras City Civil Court. Section 12 says that 'any person aggrieved by an order passed by the Controller may, within fifteen days from the date of receipt of such order, prefer an appeal in writing to the appellate authority having jurisdiction.' Now, as you know very well, one of the important matters which the Controller is dealing with is the fixation of fair rent. Now under section 4 that is not executable. But when an order is passed on appeal against that order, that is executable. There are so many defects like this in the Act. Actually the Act goes to the extent of saying that if a person does not pay his rent within 15 days he shall be evicted. Sir, there must always be a right of relief against forfeiture as is provided in the Transfer of Property Act in which discretion vests in a Court of Law, in fit cases to extend the time-limit. Sir, it may happen that the landlord is dead and the tenant does not know to whom he should run to pay the rent. It may be that the tenant is dead and the poor widow does not know the period up to which the month's rent is allowed to be paid. The Court has no discretion at all here. I suggest, therefore, that all these should be carefully scrutinized when a new Bill is brought. Again the Bill gives summary powers to Controllers, in dealing with cases, who are mostly Deputy Collectors. I am not making any allegation against them. They are of course doing their best. But sometimes they have to deal with cases involving not hundreds or thousands but tens and hundreds of thousands of rupees and while disposing of them summarily, there may be some injustice. There are many cases like this which have to be decided in Courts of Law. I would therefore request that these cases may be left to the Courts for disposal as theirs will be better decisions.

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a.m.

"I would rather suggest setting up of Courts of Law because this Act is to remain for some little time. It is not going to be a temporary one as it was originally intended and rights of people are affected to the extent of many, many thousands of rupees. In fact, I was engaged in a case before the Rent Controller where the sum involved was about thirty thousands, and he disposed of the case in five or ten minutes. He has not got the time to devote to it. I, therefore, suggest that in the light of experience gained by leading practitioners, it would be much better to have Courts of Law.

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' Then, Sir, one regret I want to express is, there is no provision to pull down a building. The City Municipal Act provides that uninhabitable buildings may be pulled down and possession given to the landlord. Indeed in fit cases possession must be given and there is no provision in the Act. There are many houses which cannot be pulled down and the tenant evicted.

' Thus, there are so many things which the Government have carefully to go through and see that the Act is so framed that no injustice is done. There is neither certainty nor flexibility in this piece of legislation. Sir, as you know it, the characteristic of law is certainty and flexibility. Where rights of people are affected, they must be certain of their rights and liabilities. There must be flexibility because you can never frame a rule which will suit all the circumstances of a future case, and the general rule should not be harsh. Though there seems to be flexibility there should also be justice and equity in the exercise of it. But unfortunately the legislation has not protected the tenant's rights. Therefore, if my Hon. Friend, Mr. Madhava Menon goes through the Bill I am sure he will provide for not only the certainty in law and flexibility but for many many things which have not been provided for in the Bill.

' But these are all minor matters. My important criticism is that the Government should have found it necessary to extend this Bill and also bring a new one and also propose to bring a comprehensive Bill in December. Sir, as I have said the other day, it is again the problem of control and this Government lead and their minds work through only control. These are introduced as a temporary measure. What did they do during the last many years? We had these controls from 1942. But then we had a foreign Government. From 1946 when we had these controls what did this Government do. The greatest injustice the Government are doing to-day is, Sir, that when a house falls vacant, Government are the first person to jump at it. Every house that falls vacant above a certain rent goes to Government, and to Government servants. Could they not have during the last three years built sufficient number of houses for the employees, for the Ministers, the Secretaries of Government and the employees of Government who are in the city? Why should the Government come and clutch the house that should go to a private individual? The Government to-day are doing a great injury to private individuals. Why should not the Government build houses. How many lakhs of rupees, Sir, have we not lost in transport which could be better conducted by a private agency. Lakhs of rupees have been lost. With this they could have constructed houses for the Premier, all the Ministers and everybody else, even including the Deputy President. (Laughter.)

' Now, Sir, Government should set an example, when people are running here and there for houses. It is an important matter. Let the Government make a start to-day at least. After the Hon. Mr. Kumaraswami Raja has become the Premier, I thought something would be done. I would suggest in all earnestness, not in

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the spirit of criticizing as the Leader of the Opposition, to set an example by building houses for all their employees and Ministers and other Government servants. Let them not go and requisition or take on rent any house. Let them go to private individuals also. My most important suggestion is that the Government should introduce legislation if necessary to compel every employer of labour to build houses for his employees. We have got two hundred *cheris* in the city. The Corporation applied for contribution. They have not got it. So they have not the money or the co-operation and they have not been able to improve, remove and rebuild the *cheris*. As you know very well they pay Rs. 24 lakhs as interest on loans alone. The Government must at least see that private employers such as Binny's and others provide accommodation for their employees by assisting them by granting loans if necessary. But Government must start and give a lead. They must set an example to other private employers by providing houses to Government servants. It is a serious problem. You find many people coming to the city are unable to get suitable accommodation.

"Again, this bill is a deterrent to house building by others because if a man built a house he does not get a return on the money invested in the building as building materials are costly. Another thing the Government may consider, Sir, is when we have so much shortage of houses, why not allow the occupant of the house, the tenant, to purchase the house and the premises by payment of annuities, I suggest this because, if I am a tenant of say 10, 20 or 30 grounds, whatever it might be, paying two to three hundred rupees as rent for the past 20 years, if I become the owner of the house, I would extend it and get more accommodation. The tenant to-day is not interested in building on that. Why can't you introduce legislation enabling the tenant to purchase the rights of the landlord by annuity system, the Government giving the guarantee. This will be an encouragement to house building. There are many other ways of encouraging house building, such as by having investment corporation which will supply building materials on fair prices.

"I know the Government are as anxious as anybody else in solving the housing accommodation but the difficulty of the Government is that the Government machinery is old and without imagination, and they have no finances for anything now. They have their pet theories of prohibition, encouragement of khader, etc. If the one crore of rupees spent on khader had been put into houses for Government servants, they could have found some accommodation. Two-thirds of the khader in the production of which they had spent one crore is there with nobody to purchase it. Mistakes are human. There is nothing wrong in having made mistakes. Consider calmly whether it is not better to reconsider these policies. If there were mistakes confess them and let us not proceed with those mistakes. I am not criticizing to discourage the Government. Any Government would make mistakes. It is an important matter. I, therefore, suggest that Government should see that the necessity for this Bill which is going to be extended or enacted is ended in a very short time."

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SRI S. B. ADITYAN :—“ It is not necessary, Sir, to have a lengthy discussion on this Bill in view of the assurance given by the Hon. Minister for Law that an amended Bill would be brought in during the next session, and a Joint Select Committee would be appointed to go into the details. Sir, I was a member of the Joint Select Committee which considered the last Bill. I observe that in the present Bill none of the suggestions made by the Joint Select Committee has been incorporated. In fact I believe that it is admitted that there are many aspects of the Bill which could be improved at a later stage and it is proposed to rectify them at a later stage. There is however one aspect of this Bill which could not be rectified even at a later stage. This defect was considered by the last Joint Select Committee and the Committee felt that it could not be rectified because it was beyond the powers of the Joint Select Committee to amend the Bill in this respect. Sub-section (2) of section 11 of the present Bill says ‘ if a landlord fails to make the necessary repairs to the building within a reasonable time after notice is given by the tenant, it shall be competent for the Controller to direct on application by the tenant that such repairs may be made by the tenant and that the cost thereof may be deducted from the rent which is payable by him.’ If there is a small repair in a house costing Rs. 5, say a few bricks to be put up, or a small alteration to be made, now, even if there is ever so small a repair to be done, the matter has got to be taken to the Controller, if the landlord does not effect the repairs. It was felt by the members of the Select Committee, and there was very nearly unanimity in this respect, that it should not be compulsory for the tenant who wants a small repair to go to the court. The present position leaves no alternative to the tenant but to make an application to the court if he wants even the smallest of repairs to be done. Anyone who has experience of the proceedings before the Rent Controller knows that it is not easy to have cases heard and disposed of quickly. It involves considerable labour, expense and time. The Bombay Act provides that if a landlord does not effect repairs which cost less than a month’s rent, then the tenant can himself effect the repairs without going to the court. A similar provision should be introduced in our Act also. It was felt by all the members of the Joint Select Committee that there ought to be a similar provision, but the Joint Select Committee was not in a position to make the amendment because it was beyond its powers to propose a new clause. I wish the Hon. Minister keeps this in mind—that the Joint Select Committee unanimously wanted a provision by which a tenant can make small repairs to his house without the necessity of having to go to a court. At present, even if a repair costs only one or two rupees, there is no other alternative for the tenant except to make an application to the Rent Controller. I suggest, Sir, that a provision similar to that in the Bombay Act should be included when the amending Bill is brought forward so that we may not have the same experience as we had in the last Joint Select Committee.”

12
noon.

* SRI R. SURYANARAYANA RAO :—“ Sir, when this Act was passed in October 1946, it was the intention of the Government

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that by 1950 the conditions in regard to housing would so improve that there would be no need for further control. When the Government brought forward the Bill, we felt at that time that they had a plan of action by which they proposed to achieve the objective, namely, of providing adequate housing accommodation so that by 1950 there would be no need for this control. But, Sir, as the Leader of the Opposition pointed out, we are yet unaware of the measures taken by the Government to increase housing accommodation. The other day I put an unstarred question asking the Government to inform this House of the action taken by them on the various recommendations of the Provincial Housing Committee. It was a bulky answer and when one went through the answer with regard to the action taken on the various recommendations one felt that the Hon. Ministers on the Treasury Bench now were no better than their predecessors of the Advisers' regime. One feels so much disgusted with the outlook that every answer shows with regard to the recommendations of the Housing Committee. We regret to say this. Now this Bill is sought to be extended up to 1950. Another Bill which the Hon. Minister for Law promises to bring forward may again fix a period of two years or four years. Whatever may be the number of years fixed, it looks as though the question of housing accommodation will not receive the attention of the Government that it deserves.

"Sir, the other day I put a question and wanted to know what action the Government had taken for housing industrial workers and whether they had taken advantage of the offer of help from the Central Government to enable industrialists to build houses for their employees. The answer was that the matter was still under consideration. How long are these matters to be under consideration? At least if industrialists are assisted in the manner suggested by the Government of India, to that extent the number of houses occupied by industrial employees may become vacant and may be available for others. But the whole thing is so sickening. We are proceeding at a snail's pace and we do not know when our Government will realize the gravity of the situation especially in big cities like Madras and Mathurai where the housing problem has become very acute.

"Sir, anyhow I am grateful to the Hon. Minister for Law, whatever may be the causes for the existence of this housing problem, that the Government propose to assist tenants by bringing forward another Bill incorporating in it such suggestions as have been made in this House, in the other House and also in the Joint Select Committee which sat on the amending Bill.

"In the meanwhile, may I draw the attention of the Hon. Minister for Law to section 3 which deals with notice of vacancy by a landlord. Those of us who indulge in the pleasure of reading advertisements in the newspapers come across every day for the past some months notices 'To let.' How could a house be let like this in the city as under section 3, as soon as a building falls vacant, it should go into the possession of the Collector. Some of them are such good houses that I am sure the Collector could

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not have willingly foregone his claim for them. There is something wrong in the exercise of the powers under section 3 in the city especially.

“ There is also another thing, Sir. I am a private person and I am in need of a house. I go round the different parts of the city and manage to find that a house is vacant. But the landlord says that he would let the house only if I bring the permission of the Collector. I put in a petition to the Collector, but immediately he takes possession of that house. Instead of allotting it to me, who has taken the trouble to go round the city and find out the house for my occupation, as soon as it comes to his notice through me, he immediately takes charge of the house. His intelligence department is defective. I take the trouble to go round and I mention to him that a house is vacant, that I want it for my occupation and that I am an essential person though I am not a Government servant, but he says that I shall not occupy it. I mention this because there are Collectors and Collectors. Previous Collectors used to give permission to a tenant who takes the trouble to find out a house to occupy that house. There is nothing in law to prevent that. When a person went to the Collector with a letter from the landlord that he was willing to allot the house to him, he would immediately say, ‘ As you have taken the trouble to find out the house, you had better have it ’, if he was satisfied that the man was really in need of it. But the present Collector takes possession of that house. If his intelligence section is so defective that he is not able to trace the houses that are falling vacant, and if the poor tenant who is forced to live in the city takes the trouble of finding out, it is unfair on the part of the Collector to take possession of that house and deprive the tenant of that house. This matter can be set right by executive orders. This was being done in the City of Madras by the previous Collectors and there was no complaint. The Collector has always got a number of applications from Government servants. If you go to him, he will say that he should allot the houses according to priority and that non-officials have no right to expect any assistance from him. We do not want his assistance, Sir. We ourselves will take the trouble to find out houses. All that we want him to do is not to prosecute the landlord, if he lets out his house to us. This is a matter in which the Government by executive orders can ask the Collector to be indulgent, if he is satisfied that the tenant, though he is not a Government official, is really in need of assistance.

“ Then, Sir, the Rent Controllers in the mufassal are mostly the Revenue Divisional Officers. I happened to go to Tuticorin. There is a Sub-Collector. He has to be on tour. He used to post rent control cases in his camp. To ask the landlord and the tenant with their vakils and other retinue to go wherever the Revenue Divisional Officer goes, causes unnecessary trouble and inconvenience to the public. Why not the District Munsifs who are stationary officers be given power to deal with rent control cases? In the mufassal it is a great grievance and I wish the Government would set it right, as they have got the power under the rules to make anyone a Rent Controller.

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“ Another curious thing is this. One of the grounds on which eviction can be sought by a landlord is the introduction of a sub-tenant. There are people occupying big houses but possessing small families. If they want to share their houses with their friends, even if necessary by putting themselves to some inconvenience and thus assist in solving the housing problem, why should the landlord be given the power to evict the tenant, though the main tenant does not make any profit out of the rent received from the sub-tenant? This is a thing that is happening now. I would like the Hon. Minister for Law to examine whether a tenant with the permission of the Controller cannot take a sub-tenant if he satisfies the Controller that he is not doing it with a profit motive but to assist somebody who is in need of a house and that the man who wants to occupy the house is also one whose presence is essential in the city. I know, Sir, that even big Government officials with small families would like to share their bungalows with their friends but they cannot do so, because it would give a cause of action to the landlord to bring a suit for eviction. As long as the motive is not profit, but only a desire of the tenant to accommodate someone who is equally in need of accommodation, this penalty of eviction should be removed. I have nothing more to say except that when the new Bill is brought forward the suggestions made in this House and in the other House will be considered. With regard to the valuable suggestion made by my hon. Friend, Mr. Adityan, I hope he will not be so helpless as he was in the previous Joint Select Committee. I also hope, Sir, that the Bill will not be merely a replica of the Bill which was once introduced—as it often happens here—but the Government will examine every clause and see what improvements could be made. I hope, Sir, they would bring forward the Bill before 1950. Sir, I do not think that any of us do not want this Bill to be passed. We want this Bill to be passed. It is a necessity. We hope when the new Bill comes, it will come in a much improved form.”

12-15
P.M.

* THE HON. SRI K. MADHAVA MENON :—“ Sir, in the first place I want to tell the hon. Leader of the Opposition that in this Bill we have only mentioned the same date as that mentioned in the previous Act, viz., 30th September 1950. This measure will automatically expire on that date and there is no question of extension by notification. A fresh Bill will have to be brought in then. Mr. Suryanarayana Rao also said that there would be no necessity to extend the measure beyond 1950. Anyhow, the Ides of March have not come yet, and let us hope that perhaps with the separation of the Andhra Province we might have some relief in the matter of housing accommodation and that there would be a greater likelihood of our getting more materials for building houses and that more houses will be actually built by the people.”

DR. V. K. JOHN :—“ A point I forget, Sir—that many buildings will become vacant in the Madras City.”

* THE HON. SRI K. MADHAVA MENON :—“ As Dr. Lakshmanaswami Mudaliyar was not here at the time of my opening remarks, I may say in reply to a remark of his made on a previous

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occasion, that amendments to the Act were brought forward and the amending Bill was referred to a select committee and that committee also spent considerable time over it; but unfortunately we found we were dealing with amendments to an Act which was dead and so the proceedings of the select committee also were automatically dead and could not be proceeded with."

DR. V. K. JOHN :—" Whose mistake? "

* THE HON. SRI K. MADHAVA MENON :—" It is not our mistake, as I said. I may however submit, Sir, that cases of extension by notification have been in practice elsewhere; there are still some laws of the Central Government which are working under extension. I have also quoted a dozen English precedents where Parliament gave power to extend legislation by notification; but since the Federal Court has held that it is wrong, we have had to follow that. According to that decision, the select committee was considering amendments to an Act which was dead. The difficulties pointed out by the High Court and also the defects found out in the course of the working of the Act were all covered by the amendments that were being considered by the select committee and there were also amendments brought forward as a result of personal experience by members themselves; but all that has been of no use. In fact, we even wanted to bring in all those amendments which were suggested for the Act, but we found all that would take some days and the measure could not be passed by both the Houses within six weeks as required. The suggestion made by Mr. Adityan has already been embodied in the amending Bill along with many others, and as I said, when we bring in a fresh Bill, all these suggestions will be covered. Dr. John also referred to clause 7 of the Bill. The Bill which we propose to bring forward will be referred to another select committee and I hope that, on the advice of Dr. John, we will be able to correct the many mistakes that he now says are found in this measure. .

" Dr. John also said that control by the Government was bad and asked why did not Government build houses, what have they done so far to provide houses for their servants, etc. It is true, Sir, Government could not build houses. The whole gravamen of his charge was: why did you go on with your fads, why did you not stop them? Sir, my answer to him is simple. It is those fads of ours that brought us here; we are here because of those things which the hon. Dr. John calls 'fads.' They are not fads to us or to those who have sent us here as their representatives; our election manifesto on which we fought, mentioned these fads as things that we would do; and whatever the hon. Leader of the Opposition or others may think, they are not fads to us; they are the mandates we have got from the people and so we are not going to give up those things, even if you call them fads."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" But are they likely to keep you on (laughter)? "

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* THE HON. SRI K. MADHAVA MENON :—“ If other friends think we are committing suicide, they will have only to be glad, and if we commit suicide, we cannot be punished, because it is only an attempted suicide that can be punished. Perhaps if my friends think they are there to prevent us from committing suicide, then I should be grateful to them to that extent. Anyway, Sir, we have not yet felt we are committing suicide; on the other hand, those who have sent us here do feel that we are trying to keep our promises.

“ Dr. John asked why Government have not built houses, and was it not our duty to do so? Sir, there is no dearth of people asking for facilities for building houses; the dearth is only for materials. Everybody is asking for house-building materials. Recently we issued an order to all cinema theatres in Madras that they must all provide proper accommodation and that if they did not do it within one year, their licences would be cancelled. They came to me and asked me : ‘ What is the meaning of this order; we are quite prepared to do it not in one year, but even to-morrow; but we want cement, iron and other materials; you cannot give us the Hobson’s choice; we cannot build when you cannot give materials.’ I felt they were perfectly reasonable. That is the position.”

DR. V. K. JOHN :—“ May I enquire why the Minister asked them to build? Did he not know there was dearth of materials? ”

THE HON. SRI P. S. KUMARASWAMI RAJA :—“ Because he saw them building some theatres! ”

* THE HON. SRI K. MADHAVA MENON :—“ I realize the awkwardness of my order. Because under the Public Health Act, the Health department wanted that certain existing defects should be rectified, naturally we said those defects should be cured. They said : ‘ why within a year, we will do it within two months, give us materials.’ So, Sir, if the Government really thought of building houses for their servants, there would not be any materials available for anybody else. As a matter of fact, it cannot also be said that we have not so far done anything at all. You yourself, Sir, know that Gandhinagar has been built up. It is a splendid achievement in the City to relieve house shortage. About 120 houses have come into existence there, not a small number when we think of the lack of materials. So, some attempts are being made. (Dr. V. K. John : ‘ I understand some of them have cracked.’) Are there not other houses which have cracked. I think men also crack now and again.” (Laughter.)

DR. V. K. JOHN :—“ Did the Hon. Minister use the word ‘ crack ’ or ‘ scrap ’? ”

* THE HON. SRI K. MADHAVA MENON :—“ He must take that cap which fits. (Interruption.) It is for other people to say whether the cap fits me or not. (Laughter.) In building hundreds of houses, Sir, naturally there may be cracks in one or two; on that account it is not proper to condemn the whole thing. Wherever co-operative societies have been formed, the construction

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work is going on. The Leader of the Opposition himself knows the present difficulties of getting necessary building materials. Again, everybody wants that slums should be cleared and houses should be built for those people; and just because that is not done at once, should you say controls are bad? It is true we have to build more houses. One friend said we must compel every employer to build at once houses for his employees. No doubt we can compel them under the Factories Act or other Acts; we can say they must provide buildings for the workmen and all that; but where is the material? As a matter of fact, most of the comparatively big companies are trying to build quarters for their workmen. Even there, I may make a confession—though it may be detrimental to me—that we are asking many employers to give good quarters for their men; but if we have to provide our own employees like that—say like the Cinchona factory—and there are other Government factories also—we will not be able to do that; and if we are not able to do that ourselves, how can we ask other employers to do that? So, if the Leader of the Opposition will not mistake me, saying that we should compel every employer to build more houses and all that are all good ideals, but not very practicable under present circumstances.

“ Mr. Suryanarayana Rao said that the Collector is not allotting houses properly. Unfortunately or fortunately, the position is that when the house is taken possession of by the Collector, he can allot it only to a Government servant or for Government purposes. Mr. Suryanarayana Rao quoted clause 3 (2) which says that if within a particular time, the controller does not say he wants it, the house-owner is at liberty to give it to anybody he likes. It is indeed refreshing to hear that there are ‘ to let ’ advertisements. That is because the Government or the Collector does not require all the houses. I am told the Collector of Madras has got about 900 applications from Government servants in his list, of whom 50 or 60 are in the priority list. Houses may be vacant and the Collector may ask a particular officer to say if he wants it; but if the officer says it is not suitable to him, the Collector necessarily has to release it to the owner who may find his own tenant.”

DR. V. K. JOHN :—“ May I enquire of the Minister whether a time will soon come when all the good houses in the City will be occupied by Government servants? There are 900 applications it seems.”

* THE HON. SRI K. MADHAVA MENON :—“ I say Government servants also need houses; after all, they are doing your work and my work. I heartily pray with my friends that Government servants, particularly the lower-paid servants, may be soon enabled to get good quarters or houses; that is our wish.”

DR. V. K. JOHN :—“ What about private individuals? ”

* THE HON. SRI K. MADHAVA MENON :—“ So, that is the reason why ‘ to let ’ notices are appearing. When a house is likely

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to become vacant and the house-owner intimates the Collector, the Collector has to say if he wants it or not; and whenever the house is not wanted, the house-owner simply clutches at the opportunity because in the meantime many people come to know that the house is vacant and the owner can take advantage of the position. That is what happens in many cases.

"Lastly, Sir, I am only sorry for one remark which fell from the hon. Mr. Suryanarayana Rao; it is unfortunate he made it. He said that this Government were simply following in the footsteps of the Advisers. I cannot say that everything that the Advisers did was wrong; they had their own limitations; and under those limitations they have done something. But to say that we are following in the Advisers' footsteps, I think, is an uncharitable remark which he ought not to have made. With that I stop."

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THE DEPUTY PRESIDENT :—"The question is—
'that the Madras Buildings (Lease and Rent Control) Bill, 1949, as passed by the Legislative Assembly be taken into consideration at once'."

The motion was carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 1 and the Preamble were put one after the other and carried.

* THE HON. SRI K. MADHAVA MENON :—"I move—
'that the Bill be passed into law.'

"I can only tell the House that, as at present advised, it is our idea to bring in amendments which have become dead as they related to an enactment which was dead itself on account of the decision of the High Court and to consider along with them the suggestions that have been made, in the December session of this House."

DR. A. LAKSHMANASWAMI MUDALIYAR :—"Might I say, Sir, that on this occasion the other side of the picture has not been presented to the House at all. I came late and I did not want to prolong the discussion. I can only say that all that has been said of the sufferings and hardships of the tenants has to be faken with a pinch of salt and there are difficulties to which the landlords also are subject. With that particular statement, I wish to support the Bill in the hope that when a fresh Bill is introduced and referred to a Joint Select Committee of both Houses, the Government will take note of the fact that there are two sides of the picture and both sides will be properly represented."

THE DEPUTY PRESIDENT :—"The question is—
'that the Madras Buildings (Lease and Rent Control) Bill, 1949, be passed into law'."

The motion was carried and the Bill was passed into law.

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(2) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1949
(L.A. BILL NO. 27 OF 1949).

THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—
*‘ that the Madras Prohibition (Amendment) Bill^a, 1949, as
passed by the Legislative Assembly be taken into consi-
deration at once ’.*”

DR. V. K. JOHN :—“ Might I ask, Sir, why the Education Minister is moving this Bill? ”

* THE HON. SRI K. MADHAVA MENON :—“ Because I am also the Law Minister. Urgent business called the Minister for Prohibition to Delhi and that is the additional reason and I request the indulgence of the House for moving the Bill.

“ This also, Sir, is one of those Bills which have been dead by the extension having been made and it has to be rectified. The Prohibition Act of 1937 was amended by Madras Act III of 1948. There was section 17-A which empowers the Government to exempt members of the armed forces from the provisions of the Act. When the amendment was brought, the reason was given why the Government wanted the exemption to armed forces from all or any of the provisions of the Act. It was in force for two years from 1st October 1946 and it was being extended from time to time. That extension has been held to be invalid and so an ordinance was issued and this is only re-enacting section 17-A by a Bill.”

THE DEPUTY PRESIDENT :—“ Motion moved—

‘ that the Madras Prohibition (Amendment) Bill, 1949, as passed by the Legislative Assembly be taken into consideration at once ’.”

* DR. V. K. JOHN :—“ Mr. Deputy President, this Bill makes me very sad and much depressed. The Bill says that the provisions of the Prohibition Act may not apply to the armed forces of the Indian Union. The position taken up by this Government regarding Prohibition is that drink is an evil and it is a poison; drink of any sort, toddy or arrack is poison. But they provide by means of this Act that such poison could be given to the armed forces. In a free country, the armed forces are there to protect us from foreign aggression and also from internal disorders and for such armed forces, the Government are saying that poison can be administered to them. What is the real reason why the India Government want drinks to be given to their armed forces? The Government of India and their advisers—and I hope among them there are many eminent medical men and they know what is best for the men—know that what the Madras Government have done is a fad; the introduction of Prohibition is a fad and what is necessary for the health, vigour, happiness and spirit of the armed forces is to give them some drink. That is what their medical

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advisers felt about it. They felt that the armed forces of the country must have drink to fight our battles but on the other hand, the Government of Madras say that the poor labouring classes should not have toddy and they should not have drinks for carrying on their battle for more production. There is great inconsistency and I ask, Sir, this Government, now that Prohibition has been in force for some time and Collector after Collector have reported to the Government that the enthusiasm of the people is not behind the policy of Prohibition but has only resulted in the establishment—the successful establishment—of cottage industry for illicit distillation, whether it has not demoralised the people. A former Minister for Prohibition said women and children have also taken to drink because illicit arrack is produced in the house from all sorts of things, rice, jaggery, plantains and anything like that including bark. I do not mind if the Government make mistakes but let them reconsider their policy. It is nothing wrong in your failing in Prohibition while other countries like Sweden and America failed. Let the Government point out that Prohibition was successfully enforced but if the Government failed, are they going to lose Rs. 20 crores every year while illicit distillation is going on? If we ask for anything, sanitary amenities, irrigation, education, wells, industrial development, medical facilities and other nation-building activities, Government immediately say: No money. Why? Because, on account of this experiment,—the introduction of Prohibition—we have lost Rs. 20 crores and I ask the Government to reconsider their decision and tell us how it is; let them investigate and, if they have been successful, let them say we have been successful in the enforcement of Prohibition. But if, on the other hand, your own officers say that you have not been successful and you cannot change human nature, you are not having the co-operation of the people and the enthusiasm of the people is not behind you; and there is lot of illicit distillation; then, why not you reconsider the decision you have taken? At least ration toddy and see that you do not lose your revenues and they get their drink all right. It is high time that the Government should reconsider their policy. The Hon. Minister Mr. Madhava Menon, in reply to the debate on the previous Bill, said that they had given their promise to the people that they would do this and that thing but I ask him whether he had said that he would nationalize although they would lose or that he would introduce Prohibition although the result would be that there will be lot of illicit distillation. It is no use saying: We have promised and we cannot go back. Will any Government say that, Sir, I ask. Men are human. If pursuant to the promise they had given they had worked and found that it did not work, have not they the courage to tell the people, their own electorate: 'We have tried this but it has not been successful, you are not co-operating with us and we cannot lose revenue while at the same time people are drinking illicit drinks: we have not sufficient money for carrying out our nation-building activities?' Could not they tell the people all this and convince them? Are they not

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leaders of public opinion? Why should they be feeling: 'We have made our promises and we have to carry them out irrespective of consequences?' While they said they would introduce Prohibition, did they also say that they would introduce illicit distillation side by side with it? After all they have worked the scheme and even if it is not a failure, what is the harm in appointing a committee to go into the question and find out what has been the result of Prohibition. After all are not the white people, the Russians, the British, the Americans, all nations the world over, are not all these virile in spite of their taking drinks? I do not see anything wrong or faulty about it. You know, Sir, Prof. Haldane, the greatest authority on Biology has said that toddy contains Vitamin B and it is very good for the people to take it. Not even ten per cent of the population of this country drink and all the world over, from the time of Adam, they have been drinking and it has not ruined their health but they have been keeping happy, fit and quite healthy with a long age span."

THE HON. SRI K. MADHAVA MENON :—" My friend is sufficiently virile even without it."

* DR. V. K. JOHN :—" I might be more virile if I have it.

" Why not we go back, if it is found it had not worked up to your expectations? They have mixed up this with Gandhism. He was a human being and he also had his views. He asked you to decontrol and a short time afterwards did you not see that the price of all controlled commodities decontrolled went three and fourfold. If we had continued under the system of control, the index number which stands at 300 and 320 would not have been so high. He gave advice and we are human and we carried out his advice and what I ask you now is not to persist in a policy which has resulted in huge loss of revenue and at the same time encouraged illicit distillation; let them not do it; let them not say: . . . let it go, we have given a promise and we must persist . . . If they do like that, it will be very difficult for them to go back. I read in the papers that the Collector of South Kanara has reported that illicit distillation was on the increase and it is like that in Salem and many other districts. The point is that if there are a hundred illicit distillation cases, only 10 are found out and then are your very Prohibition Officers free from it? They know the taste and happiness of it. A seizure is effected and where it goes nobody knows. It is demoralizing everybody—the giver and the taker. Sir, the Hon. Ministers sitting here cannot know everything that is happening in the villages. I shall tell the House what happened last October. I went from Mathurai in a car to Kodai-kanal. On the way one of the tyres punctured at about 5-30 p.m. very near the Kodaikanal railway station. I had to stop there to get the tyre replaced. There were forty or fifty people, men, women and children, who stood round my car watching it repaired. First I inquired from the men about their earning and saving. Then I joked with the womenfolk and asked them whether they

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were now happy as they were not beaten by their husbands in a drunken mood. They all laughed over it. After a little time an elderly man came slowly near me and asked me whether I am one of the Ministers. (Laughter.) I said, 'fortunately not.' (Laughter.) He then said, 'I tell you, these Ministers have no knowledge at all.' (Laughter.) 'It is not that the whole village was drinking. We have a hundred to two hundred souls in our village. Only one per cent used to get drink. Perhaps one in the village was beating his wife. It is not that all of us beat our wives. Our wives are the mistresses of our house. If we earn one rupee, perhaps we took four annas and spent it on drink. We do not go in for costly foreign liquor. We drink only toddy. When we took that, we did not take any meal at night; next morning we awoke we ate a little of ragi, and then took some rice in the noon. Now when we have no drink we are not able to turn out as much work as before. In fact we are able to do only half or one-third of the work we did before. It was an enjoyment for us to drink; now that is absent and we are not so happy as before.' I asked the ladies whether what he said was true; and they affirmed it. Sir, this only shows the Ministers do not know the real village life in our province. Who knows, perhaps, some day, they may require people to dress in a particular way, or eat in a particular way. So, Sir, I ask the Hon. Ministers in friendship, not in opposition, in all earnestness this: let them reconsider the step they wish to take now. I do not ask them to repeal the measure. Let them see what happens if there is no Prohibition for some time. Let them not think of their prestige and credit. Sir, they introduce Prohibition for the average man; but they allow the armed forces and the medical officers attached to them to drink. I ask, 'is there any consistency in such an action?' Sir, they would, I know, take shelter under the Government of India recommendation in the matter. Now, Sir, it is provided that anybody who pays Rs. 500 would be given a permit for drinking. Is this fair. So, Sir, I say, let Government reconsider their stand. For, do they prefer illicit distillation to prevail under the cloak of Prohibition. Sir, this is inconsistent with the principle of Prohibition and inconsistent with their policy. They cannot defend it. They want to deny the peasant his drink, but they have no objection to giving drink to the armed forces and the medical officers attached to them, men whose duty it is to keep order in the province and protect the land from foreign aggression. Sir, it is these people who should not be allowed to drink if they are to discharge their duty properly and effectively. So it is their duty to tell the Government of India 'drink is poison, drink is injurious to the health of the people, so we cannot allow the armed forces and the military medical officers to drink, so long as they are in our province'. Instead of doing that they are agreeing to the recommendation of the Government of India. Sir, this shows, this Government has sunk low, has lost all consistency and has lost all sense of logic. I think it is no credit for this Government to take up that inconsistent position."

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* JANAB ABDUL LATIF FAROOKHI :—“ Mr. Deputy President, Sir, I rise to oppose this amending Bill. The only question that any sensible man would ask on reading this Bill is whether there is any sincerity behind this Bill. If the Government are sincere . . . ”

DR. V. K. JOHN :—“ I put the query, ‘ Do Government say they are sincere? ’ ”

* JANAB ABDUL LATIF FAROOKHI :—“ If the Government are sincere then Prohibition should first be introduced among the armed forces of our country instead of among the masses. If it is not done so, we run the risk of losing our hard-won freedom. Having achieved freedom we cannot now say that we will be non-violent whoever may attack us. So it is the armed forces which have to be kept clean first and which have to be purified. So I feel and in fact any man of commonsense would feel, and I am certain the Hon. Ministers also feel in their heart of hearts that Prohibition should be introduced first among the armed forces and the military medical men attached to them. But what do we find here? Exactly the reverse of that! They are exempt from the Prohibition Act. Sir, Prohibition is introduced for more reasons than one. One reason is given by the Leader of the Opposition; and that is, it is injurious to health, it is immoral to drink and it is a sin to drink. Mahatma Gandhi, being a great leader, thought that people should be spiritually trained so that they may have their morality improved; and therefore he said, ‘ people should not drink.’ Mahatma Gandhi did, what indeed our great teachers of old preached, ‘ thou shalt not drink.’ Now, Sir, the principle of morality, on which Prohibition is based, when pushed to its logical conclusion would show that what is bad for the common man is equally bad for the armed forces; or perhaps it is worse in their case. Therefore, Sir, our Hon. Ministers ought to have rejoiced that the Act has expired; but instead of doing that, they say, since it has expired, they want to revive it or rather give a new life to it.

“ Sir, it was reported in the Press that the Prime Minister of India was not in favour of Prohibition, and that he had asked the Provincial Government to go slow with respect to Prohibition and the abolition of betting. (Interruption by the Hon. Sri K. Madhava Menon.) I may remind my hon. Friend, a question was put in the other House asking Government whether it was a fact that instructions had been received from the Prime Minister of India asking this Government to go slow with Prohibition and betting on horses, and the Hon. Minister did not give any categorical reply to it. That is why I say, with due respect to the Prime Minister of India, we should stand on our prestige and tell him that this Government have introduced Prohibition and are not going to be dictated by anybody in the matter; on grounds of principle and morality this Government cannot allow anybody so long as he or she is within this province to drink, be he a member of the armed force or a medical officer attached to it.

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“ Sir, why this special privilege for the armed forces? Let us see what it was in the olden days, when there were our Hindu friends and Muslim friends in the army. They never drank liquor. It was only an evil introduced by a foreign government. It was they who brought this evil or rather this devil into this country. Now are our Government going to allow this devil to continue in our province contrary to our traditions and history? Sir, the hon. Leader of the Opposition said that when once you have introduced Prohibition, you should continue it to its logical conclusion. If there is prohibition for the masses, let there be prohibition for the classes. If there is prohibition for the ordinary man, let there be prohibition for the king and the armed forces. I am a Muslim and my religion preaches prohibition. Though I may be a drunkard and thereby a sinner, I would not advocate drink. It is not a question of Muslim or non-Muslim; it is not a question of one who is in favour of prohibition or one who is opposed to it. We have to look at it from the point of view of law. The reason for introducing the law is to make the people more happy, more prosperous and more moral. Why do the Government want power to exempt the armed forces from the effects of a beneficent law? Any law will no doubt provide for exemption. But in a law like this which aims at purification of the people, there should be no exemption. Why do the Government want to exempt the rich people? When they want to better the condition of poor people, do they want to degenerate the condition of rich people and make them paupers and beggars? If they take a permit fee of five hundred rupees and allow the rich to drink, they will be in very bad company and after sometime they will not be in a position to pay even five annas.

“ As I said, the law should be the same for the king as well as the peasant. I sincerely feel that this amending Bill should not at all be passed. Perhaps necessity compels the Government to sponsor it. But necessity should not stand in the way of thinking aright. I request the Hon. Minister in charge of the Bill to consider this question. I oppose the Bill.”

* DR. A. LAKSHMANASWAMI MUDALIYAR :—“ Mr. Deputy President, the Hon. Law Minister Mr. Madhava Menon has on more than one occasion shouldered the responsibility of his colleagues in a very chivalrous manner and piloted Bills with which he was not directly concerned. But I think on this occasion he had a great deal of trepidation in his own mind as to whether he was doing the right thing in moving this Bill, because this Bill is not good law. It is bad logic and the worst statecraft that I can dream of. I do not want to go into the merits of the question of prohibition or no prohibition. I have had opportunities of expressing my opinion on the floor of this House on more than one occasion. Prohibition may be a fad and even if it is a fad this Government have probably to stick to it for the time being so long as they sit on the Treasury Benches. What will happen to this fad afterwards is more than what I can say at present.

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I realize the ridiculousness of the position that this House is asked to take up in passing a measure of this kind. What does it mean? It is a confession that there is a section of the public who are not prepared to conform to the law of the land and that we should necessarily grant exemption as we have no control over them. The most disciplined part of the public is represented by the army. I should like to know under what conditions and for what considerations the Government are going to exempt members of the armed forces. If the clause says that the Government may exempt such persons as they deem necessary in the interests of their health, etc., I would have no quarrel. When we are asked to exempt the armed forces, we are asked to exempt only those members who are stationed in Southern India on such conditions as we may think fit. The emphasis is on being a member of the armed force and on nothing else. I say that this Bill, if passed, casts a serious reflection upon the armed forces themselves. I think it is a very undeserved reflection from whomsoever source might have emanated the suggestion for exempting the armed forces. May I in this connection repeat what has been said that the greatest necessity for this country to-day is a disciplined armed force built up on the tradition of implicit obedience to every law that is passed by the Government? If we do not make the armed forces realize that they should conform to the law of the land, but go on granting exemptions, a time will come when they will dominate this country and demand several exemptions whenever they think it necessary or desirable. Has the Cabinet taken this most important factor into serious consideration? Do they know what is happening in some other parts of the world? The armed forces are in fact dominating the countries and deciding the future of the governments of those countries. From that point of view I say it is unfortunate that this Government should have come forward with a Bill of this nature. When the first Congress Government introduced the Prohibition Bill in 1937, there might have been some justification to say that the armed forces should be exempted, because the armed forces of those days were composed of non-Indians to a very large extent. At least the top posts were with non-Indians. But to-day we have an armed force composed almost wholly of Indians. They are our own brothers. How are they different from us? Are not some of my relatives in the armed force? If I am to be prohibited from drink, what right have this Government to say that my brother serving in another capacity should not be prohibited from exercising that latitude which they do not want me to exercise? May I in this connection say what I was given to understand by a very very responsible person. The last advice that was given by Field Marshall Auchinleck, the Commander-in-Chief who was so long connected with the armed forces of this country, was: 'If you want to preserve your army, if you want to see that the armed force is a disciplined force always available to serve the best interests of the country, keep that army free from the temptation of drink.' That was the advice given. But what are we asked to do? To follow just the

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opposite and exempt the armed force! I say this is the first step and this is not at all the last step in legislation that will be demanded of the legislature if it yields. Therefore, in spite of the fact that the Government have brought in this Bill, I feel that every member of the House who has the interests of the country, the interests of the armed forces at heart must openly say that the Government must reconsider the Bill, that they must take sufficient time to consider all aspects of the question and see whether there are no points which deserve further consideration. Let not the Government always stand on prestige and say that the views of those who are unfortunately sitting opposite to them need not be given any due consideration even when they have a good plea to make. After all, we are working in a democracy. We are working for the future of our country. That future is a matter which concerns every section of the House. Let it not be understood that there is a responsibility cast on the Treasury Bench which is not felt by those who are not on the Treasury Bench. From every point of view, I foresee a dreadful future by a legislation of this nature being passed on the floor of this House. The Government must wake up and realize that facts are not fads. I shall not say more about this because I feel that this is not a question of mere expression of views but that there is a fundamental principle involved. If that fundamental principle is not taken into consideration now, we shall be going down the precipice at a rate which we cannot control and the future of this country which is already gloomy will become more gloomy indeed."

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, when we passed the Madras Act XII of 1948, it was the intention of the Government to restrict the concession to a particular period. From this Bill it looks—if I am wrong the Hon. Minister for Law will correct me—as if this exemption is to be given for ever and not for any particular period, because this Bill seeks to omit sub-section (3) of section 1 and section 3 of that Act. I do not remember the circumstances under which we agreed to the passing of the Amendment Act of 1948. The Hon. Minister for Law had not made out a good case to show why the Government felt it necessary to make the exemption absolute and for ever. He had no reasons to give. I feel it is dictated from above. Those of us who are in favour of the socio-economic measure of prohibition feel that those who stand by this great reform should not have yielded to the importunities or threats of the Government of India and come forward with this Bill. I know the Government have got a very weak case. They cannot defend this exemption on any ground except that they are forced to grant it by the Government of India. We feel that exemption, whether it be to the Armed forces or others, is wrong and should not be encouraged. Dr. A. Lakshmanaswami Mudaliyar in his own inimitable way pointed out what the effect of this exemption will be on the Armed forces themselves and pleaded that the Government should reconsider and not force this Bill through this House. Standing as they do committed to

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this great reform of prohibitions, I do not know with what face the Government can come and ask us to give exemption to the members of the armed force. To-morrow a new section 17-B may be introduced granting exemption to all officers of Government who were once addicted to drink. Once we begin to give exemption, there is no limit. It creates a craving in others also to seek exemption. I hope the Government will realise that those who oppose this Bill are as much actuated as they are in enforcing the reform which this House agreed to in 1937.

“ With these words, I oppose the Bill.”

MRS. MONA HENSMAN :—“ Mr. Deputy President, Sir, I have only a few remarks to offer on this Bill. After the so good, wise, eloquent and spirited speeches that have gone on before me, I have not much ground to cover. But I should like to address to you, Sir, on only one matter. If there is going to be no prohibition introduced for a certain section of the public, then let it be known that the Government have not introduced prohibition for the entire sections of the population of this Province and that the armed forces have been cut out, if that seems good to the Government. The Government may state their case in their own way but the people have understood it in their own way and we members of this House have understood that a Bill for Prohibition is for Prohibition for the Province as a whole. The Hon. Minister who is in charge of this portfolio knows that there are many officers of the Government who are at present in receipt of permits, exempting them from the operation of the Prohibition Act. There are many gentlemen and many officers of the Government in charge of the administration of Justice, in charge of Law and Order, and in charge of many other departments who have been given permits to drink because, Sir, they have produced a certificate from a doctor that they cannot go to sleep without their ‘night-cap.’ If that is the reason for allowing certain people to drink, let them face realities and say honestly and truly that he whose health is affected without drink might have it. Let the same rule be made applicable to the men in the army also. Let it be applied to the labourer in the field. I would therefore suggest one thing, Sir, and that is, that this Bill be sent back for reconsideration by the Government and I would press upon them this, not only in view of what has been said by many other Hon. Members who have preceded me, who know better than I do, but also because, the Hon. Minister in charge of Prohibition has been absent to-day. There is such a thing as saving one’s face and very probably he wants to save his face from this House and so he has asked the Hon. Minister for Law to pilot the Bill for him. Whatever that be, Sir, we do not ask the Hon. Minister for Law to withdraw this Bill altogether on the ground that it is illogical or that it is a travesty from the declared policy of the Government or that it is not understood by the public. No, Sir. But I only ask him to refer the Bill back for reconsideration by the members of the Treasury Bench, by the Hon. Premier and by all the authorities concerned, in view of the remarks that have been offered in this

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House, and also in view of the fact that the Minister for Prohibition is not here, because he alone can understand our objections and realize the sentiment of the Members of the House.

"Sir, I find that there has been a very great change in the Hon. Minister for Law at this moment; we know that he has been an out-and-out prohibitionist all along and so I submit, Sir, that this Bill be sent back for reconsideration by the Hon. Minister for Prohibition who is absent to-day."

* DR. A. LAKSHMANASWAMI MUDALIYAR:—"Sir, I beg to move under rule 106 of the Council Rules that this Bill be referred to a Select Committee of this House. The Hon. Minister for Law has moved that the Bill be taken into consideration at once. My point is that this cannot bind the House simply because of the Government motion that it be taken up for consideration at once. There is no reason to suppose that the Government motion will be accepted by the House. The proper and reasonable procedure that has been all along followed cannot be abrogated simply because the Government want that it should be taken up for consideration at once. It is my right, Sir, as a member of the House and it is a right that this House should zealously safeguard and you Mr. Deputy President, as the custodian of the rights and privileges of the House should see that our rights are safeguarded and that my motion is not treated as one that does not come within the purview of this House."

DR. V. K. JOHN:—"Mr. Deputy President, Rule 106 of the Council Rules says that any member may (if the Bill has not already been referred to a Select Committee of the Assembly, or to a Joint Committee of both Chambers, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee. Therefore, Sir, a member can move an amendment for referring this Bill to a Select Committee under this Rule."

THE DEPUTY PRESIDENT:—"I think the motion will not be in order, because it is a motion not given notice of in proper time. It should have been done at the beginning of the discussion, but anyway I should like to have the opinion of the Government in this matter."

THE HON. SRI K. MADHAVA MENON:—"Mr. Deputy President, I think there is a separate rule for Bills coming from the Assembly to this House; and if any Bill that has not been referred to a Select Committee or a Joint Select Committee comes to this House, it is open to the House to refer it to a Select Committee, Sir. But however, I oppose this motion. Perhaps I may claim some notice, but I do not want to stand on that."

THE DEPUTY PRESIDENT:—"The point is that there is a motion before the House that the Bill be taken into consideration at once. But this must be considered as an amendment to it."

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THE HON. SRI K. MADHAVA MENON :—" It may be taken as an amendment, no doubt, Sir, to the main motion. Both the amendment and the motion can be discussed and voted upon, Sir."

SRI M. NARAYANA RAO :—" Mr. Deputy President, Sir, I must express that we are faced with a very embarrassing situation. We Congressmen have committed ourselves to the policy of prohibition and being a disciple of Gandhiji, I feel that we must do everything to make prohibition a complete success. Therefore a Bill like this giving exemption to a certain class of people is really not to my taste and it would really be embarrassing, if we are called upon to vote for it."

DR. V. K. JOHN :—" Sir, a Congress Member says that he is really being embarrassed by the Government."

SRI M. NARAYANA RAO :—" I think, Sir, that every Congress Member of the House will agree with me when I say that we are placed in a very difficult and delicate situation, because when total prohibition was introduced by the Government, we heartily supported it in both Houses, and felt that it was prohibition for the entire Province as a whole, without the exclusion of any section or class or community inhabiting this Province. To-day exemption is sought to be given to the members of the army. To-morrow the Government may come along and say that the reserve police force might be exempted from the provisions of this Act and the next day they might exempt the whole of the police force. Then what will become of the pledge we have given to the people and to the Congress? Once we allow this, then it will indeed lead to a very ugly situation. I would therefore strongly urge upon the Government to put up a strong plea to the Central Government that at least, as far as this Province is concerned, the armed forces should not be allowed to drink and that no general permission should be given to them, exempting them from the operation of this Act. If it is the intention of the Government that the members of the Army could drink as they like, then I submit, Sir, that they would go on drinking indiscriminately and there will be endless troubles to others. On the other hand it is the army that should be prevented from drinking, because it is there that drink has proved to be a greater evil. I do not think, Sir, that it is wise on the part of the Central Government to have chosen this move. Being a Central Government, perhaps they may have their own reasons, but Sir, we Congressmen who are wedded to prohibition must protest, and protest strongly against the move of the Central Government in this matter, and must urge upon them that they should release at least this Province from this obligation of exempting the armed forces from the provisions of this Act. We are indeed placed in an embarrassing and difficult situation because we are asked to vote against our own conscience in the name of party discipline."

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DR. V. K. JOHN :—" The hon. Member says that on account of party discipline they have to vote against their own conscience. What a miserable thing, Sir! "

SRI M. NARAYANA RAO :—" Sir, I must express my strong disapproval of this measure and I honestly feel that it would be against our conscience if we are asked to vote for this Bill."

* THE HON. SRI K. MADHAVA MENON :—" Mr. Deputy President, Sir, the Prohibition Act, even now contains provisions for granting exemptions in certain cases. It does give power to the Government to grant permits if they are satisfied that it is necessary to allow a person to drink in the interests of his health and also foreigners who cannot do without it. This particular amendment of the Government is also of a permissive nature in that the Government can, by notification exempt the armed forces from the operation of this Act, if the armed forces are not permanently stationed here in this Province.

" Sir, the Indian army is under the control of the Central Government; some portions of the armed forces will be here for a few months and then they may go away to another Province and another set of force might come here and so in the case of armed forces, it is open to the Government to give a general exemption, instead of giving individual permits, because in the very nature of their service, they are itinerant. The exact wording of the amendment is that the Provincial Government may, by notification, and subject to such conditions as they think fit, exempt members of the armed forces of the Dominion of India or any other armed forces raised or maintained by the Dominion or attached to or operating with any of its armed forces, and the members of the medical or other staff attached to any of the armed forces, from all or any of the provisions of this Act," . . . and that . . . ' while issuing a notification, the Provincial Government shall have power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punishable with imprisonment, etc.' Therefore, Sir, you will see that the amending legislation that is before the House is only a permissive legislation, hedged in by various conditions and limitations.

" Sir, it is very difficult for a person like me who feels that even the armed forces should not be allowed to drink, to pilot a Bill like this, because when once the Prohibition Act is there, it is more or less binding on all people, and only those who cannot get on without drink, should alone be given a permit. But, Sir, there are certain things which are beyond our control and here the armed forces are not under our control but are under the control of the Government of India. And so, when they move from place to place, certain occasions might arise when they would be stationed in this Province temporarily, and it will be necessary for us to give some exemption to them for the temporary period, because this

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legislation is not in force in all other Provinces, and it is neither practicable nor necessary to enforce this Act throughout the entire army for this temporary period."

DR. A. LAKSHMANASWAMI MUDALIYAR:—"Are not the armed forces subject to the ordinary laws of the Province so long as they are stationed here, and if they commit any offence in this Province, are they not tried under these provincial laws?"

* THE HON. SRI K. MADHAVA MENON:—"That is quite right, Sir, and that is the correct position. But we cannot insist upon the armed forces to give up drink, simply because this Act is in force in this Province, during the temporary period of their stay in this Province. It would be unfair and unnecessary to do so, nor is it a practicable thing. Either we will have to give them individual permits or exempt them wholesale. I do submit, Sir, that there are certain occasions and circumstances when we have to do certain things, which though, we as individuals would not like to do, and in this we have to act according to the advice of the Government of India."

DR. V. K. JOHN:—"Is it suggested, Sir, that there is a conflict between the Government of India and the Madras Government over this matter?"

* THE HON. SRI K. MADHAVA MENON:—"There is no question of conflict of ideas between the Government of India and this Government, Sir. My submission to the House is that this is only a permissive legislation and a permissive legislation is necessary in the present case, to exempt armed forces during the period of their stay in this Province. However, Sir, I can assure my hon. Friend Mr. Narayana Rao that we shall take the matter up with the Central Government and see that even in the case of armed forces, the Prohibition Act is enforced in this Province."

DR. V. K. JOHN:—"Why not take it up with them first, Sir?"

* THE HON. SRI K. MADHAVA MENON:—"It is not possible at this stage to do so, Sir. The Ordinance has been issued and we will have to validate the action taken during the intervening period and also to replace the ordinance itself. That is the reason why we have to pass this validating measure, and as I promised, this question will be examined again and taken up with the Central Government and also with the army authorities. I certainly realize that if a thing is bad for the common people, it must be bad for the army also. But at the same time the Government must have power to grant exemptions in certain extreme cases and that is the reason for this amending bill."

"Sir, my hon. Friend the Leader of the Opposition charged us with inconsistency. I could not realize a greater inconsistency when he says that everybody should be given drink, but that the Armed Forces should not be given, and that they should not be

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poisoned. If anybody is not given drink, he must be glad that at least a portion is given drink. I can understand the position taken up by him if it is said that it is totally bad and that it should not be given to anybody. But I cannot understand the argument that it should be rationed out to everybody, and that it should not be given to these Armed Forces. Sir, the working of Prohibition and the policy of Prohibition are not quite germane to the amendment before us. My friend stated that it had cost us Rs. 20 crores. It is not Rs. 20 crores. (Interruption). Whatever that may be, it is stated we can take that Rs. 20 crores and use it for roads, education, industries, etc."

DR. V. K. JOHN :—" Not for illicit distillation."

* THE HON. SRI K. MADHAVA MENON :—" I can understand the argument of the Leader of the Opposition. My hon. Friend had an incident at Kodaikanal, and then perhaps he had the first occasion to know the mind of a crowd with regard to the illicit distillation. I can also tell him that I have met hundreds of crowds like that who have been drinking before. They have told me that they have been saved from this misery. Perhaps one stray person would have stated otherwise."

DR. V. K. JOHN :—" It may be to please the Ministers that they have stated so."

* THE HON. SRI K. MADHAVA MENON :—" Rupees 17 crores or whatever that is, is obtained mostly from the poorest of the poor. If my friend's sympathy and kindness for the poorest of the poor are so much, why should he not be merciful and say ' why this tax should be collected from these people; let them drink free.' That will be kindness shown to the poor man. But why should the Government ask the poor man to pay the tax, and with that tax give education to my children and your children, and construct hospitals? I can understand the argument ' do not have Prohibition and do not have excise revenue also; let people drink free.' But I do not understand the argument ' collect all the money from these people—it may be one per cent only—and spend this Rs. 17 crores for my education and your education.' "

DR. V. K. JOHN :—" Spend the money on those people who are drinking."

* THE HON. SRI K. MADHAVA MENON :—" I do not want to say anything further on the policy of Prohibition. Even before introduction of Prohibition there was illicit distillation."

DR. V. K. JOHN :—" Not to this extent."

* THE HON. SRI K. MADHAVA MENON :—" The Excise staff was preventing the illicit distillation. Even though there are illicit distillations now, my consolation is that the generation which has not been drinking will not go to that extent of illicit distillation which would otherwise be the case. Thousands of young men who

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would otherwise be spoiled will be saved from this drinking. Even if I save only the next generation, that will be a sufficient consolation for me. Sir, I have nothing more to add to what I have already stated. This is a necessary evil to have the power to grant, if occasion arises, permits to the Armed Forces, if they are in this Province, for some time. This is only a permissive provision which we shall try our best not to utilize. We shall also examine the position whether we cannot give up even this permissive amendment which is placed before the House."

THE DEPUTY PRESIDENT :—" I now put the motion of Dr. A. Lakshmanaswami Mudaliyar to the vote of the House. The motion is—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 27 of 1949), as passed by the Legislative Assembly be referred to a Select Committee '."

The motion was declared lost. A poll was demanded and the House divided as follows :—

Ayes.

- | | |
|------------------------------------|-----------------------------|
| 1 Dr. V. K. John. | 4 Sri H. M. Jagannatham. |
| 2 Janab Abdul Latif Farookhi. | 5 Mrs. M. Hensman. |
| 3 Dr. A. Lakshmanaswami Mudaliyar. | 6 Sri R. Suryanarayana Rao. |

Noes.

- | | |
|---|-------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan. | 7 Sri M. Narayana Rao. |
| 2 The Hon. Sri K. Madhava Menon. | 8 " N. Sankara Reddi. |
| 3 The Hon. Sri J. L. P. Roche Victoria. | 9 " T. Purushotham. |
| 4 Sri S. B. Adityan. | 10 " S. Jayaram Reddiyar. |
| 5 " L. Subbarama Reddi. | 11 Dr. P. S. Srinivasa Ayyar. |
| 6 " S. K. Satagopa Mudaliyar. | |

Ayes 6; Noes 11.

The motion was lost.

THE DEPUTY PRESIDENT :—" The question is—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 27 of 1949), as passed by the Legislative Assembly be taken into consideration at once '."

The motion was carried.

Clauses 2, 3, 1 and the Preamble were then put and carried.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
' that the Bill be passed into law.'

I am glad that the Opposition had an opportunity to hoist us with our own petard. Indeed it is a surprise to me that when this Bill came here in 1948, and when the Hon. Dr. Gurubatham moved it for consideration, there was not one speech from the Opposition. The clauses were passed without any speech. In the third reading stage also (when the motion was made that the Bill be passed into law), there was no speech at all. (Interruption by Dr. V. K. John). It is quite possible that most of us would not have thought of all

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the implications seriously. Then there might have been a little more consideration for the Armed Forces. Whatever that is, it is open to us to change our opinions, and to understand things better. That might have been the reason for so much opposition. There was not much opposition last time, and I am now surprised at so much opposition, though I feel that it is right that we should also try and see that the Armed Forces also are under the same restraints which other people are put to. It is of course desirable. But, as I stated earlier, there are certain instances where it may not be practicable. It may be that the Armed Forces are moving out of this Province within a month and they go to another province. Perhaps that may be the reason why it was thought necessary that we should have this permissive legislation. I shall try to work this Act and see that the Armed Forces are not allowed to have this weakness, which spoils them materially and economically. I move that the Bill be passed into law."

DR. V. K. JOHN :—" Sir, we know that the Hon. Mr. K. Madhava Menon will see what is right, and that our opposition will appeal to him. It has appealed to him really, and he may now try and see that this legislation is kept inoperative."

JANAB ABDUL LATIF FAROOKHI :—" Sir, perhaps the Hon. Minister has not gone through the whole proceedings. I remember last time I spoke against this particular amendment regarding Armed Forces."

SRI R. SURYANARAYANA RAO :—" Sir, when the Hon. Dr. Gurubatham introduced this Bill last time, he introduced it only for one year. But now the Government want to make it a permanent provision in the Prohibition Act. That is the reason for our objection."

THE DEPUTY PRESIDENT :—" The question is—

' that the Madras Prohibition (Amendment) Bill, 1949 (L.A. Bill No. 27 of 1949), be passed into law '."

The motion was carried and the Bill was passed into law.

THE DEPUTY PRESIDENT :—" The House will now rise and meet at 2-45 p.m."

The House then adjourned for lunch.

(After lunch—2-45 p.m.)

Statement by Hon. the Law Minister.

* THE HON. SRI K. MADHAVA MENON :—" Sir, before we proceed, I want to correct a mistake I made this morning. I said that when the Prohibition Bill was introduced by Mr. Gurubatham, there was no discussion or opposition. It is a mistake. There were two Bills introduced. The Bill in which a provision was found

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that the armed forces were exempted from the provisions of the Bill was introduced by the late Mr. Daniel Thomas and the Hon. the Leader of the Opposition opposed it. I am sorry for the mistake."

(3) THE MADRAS DRUGS (CONTROL) BILL, 1949
(L.A. BILL NO. 28 OF 1949).

* THE HON. SRI J. L. P. ROCHE VICTORIA :—" Mr. Deputy President, Sir, I beg to move—

' that the Madras Drugs (Control) Bill, 1949 (L.A. Bill No. 28 of 1949), as passed by the Legislative Assembly be taken into consideration at once '.

" As mentioned in the Statement of Objects and Reasons, as a preventive measure against the rise in prices of drugs after devaluation, it was considered necessary to control the sale, supply and distribution of drugs in the Province. Accordingly, the Madras Drugs (Control) Ordinance, 1949, was promulgated. This Bill is intended to replace this Ordinance. This Ordinance was passed at a time when as a result of devaluation it was feared that drugs might go out of the market, especially those coming from foreign countries, or the prices might be unnecessarily enhanced and it might be difficult for the people to get necessary drugs. So, it was considered essential to immediately introduce an Ordinance to control the sale, supply and distribution of drugs. But still it is meant generally to control the prices and necessary provisions have been introduced into the Bill to fix the maximum price or rate which may be charged by a dealer or producer in respect of any drug. I request that the Bill may be taken into consideration at once. "

THE DEPUTY PRESIDENT :—" Motion moved—

' that the Madras Drugs (Control) Bill, 1949 (L.A. Bill No. 28 of 1949), as passed by the Legislative Assembly be taken into consideration at once '."

SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, I am very glad that as soon as devaluation took place, this Government perhaps on the instruction of the Government of India, passed the Drugs Control Ordinance. But it may be remembered that during the war-time too we had Drug Control Order and the provisions were more or less the same. But in that Order a distinction was sought to be made between the consumer, dealer, manufacturer, wholesale dealer and a retailer. In this Bill in many clauses they are all clubbed together. In that Order too the maximum quantity which at any time a dealer can possess was laid down in the following words :—

' No person other than a manufacturer, importer, wholesaler or retailer shall at any time have in his possession or under his control any drugs in excess of his normal requirements; and no wholesaler or retailer shall have in his possession or under his control at any time any drugs in excess of the quantity reasonably required to be held by him for the purposes of his business.'

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In this Bill clause 4 lays down that the Commissioner shall fix the maximum quantity which may at any one time be possessed by a dealer or producer. I do not know how the Commissioner can be expected to fix the quantity that can be possessed by a dealer throughout the Province. If at any time a dealer violated this restriction, that is, if he possessed any drug in excess of the quantity reasonably required to be held by him for the purpose of his business, he can be punished. But now it is the Commissioner that must fix the maximum quantity which can be held by a dealer or producer in any particular locality and then if he is found to possess more than that, then he will be punished under this Bill. Having had some experience of the Drug Control Order during war-time and how it was administered, I wish our Government had merely copied the provisions of that Order making such alterations as were necessary in view of the changed condition.

"Sir, there is clause 8 which says 'No dealer or producer shall, unless previously authorized to do so by the Commissioner, without sufficient cause, refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act'. I think this places the poor dealer at a great disadvantage. If a particular drug was in short supply, it would have been better if the Commissioner had been empowered to issue directions to a dealer to supply the quantity fixed. Otherwise, anybody can go to a dealer and ask for a drug and even if the dealer knows full well that the drug is not meant to be used properly, he will have to give. If he refuses, he will be punished under clause 8. This is one of the points to which I want to draw the attention of the Hon. Minister.

"Sir, there seem to be too many drug controls and controllers. There is the Surgeon-General with the Government of Madras who is administering some drug control. Here is another drug control. Cannot all these matters relating to drugs be placed under one officer preferably a medical man like the Surgeon-General with the Government of Madras? It may be that distribution and price control only rest with the Commissioner of Civil Supplies. But I feel that if the drug control is to be successful, it should be in the hands of a medical man who knows what drugs are, what their values are, and he can even be in a better position to fix the maximum quantity which can be held by a dealer at any time and administer all other provisions which control the possession, distribution and sale. I wish the Hon. Minister for Food considers the desirability of giving this drug control to the Surgeon-General with the Government of Madras as he has got already a senior officer as his Assistant to administer the drug rules. That is one of the suggestions which I would like to make. It was felt necessary to control and the Government. I think, did well in issuing an Ordinance which is to be replaced by a statute. Already the Commissioner of Civil Supplies has issued a long list of drugs and other controls. I do not know whether he, not being a medical man, was assisted by any one in preparing that list. That is one of the reasons why I wish this drug control to be in the hands of a medical man.

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who knows what are the drugs that have to be controlled, how they are to be distributed, under what circumstances they can be issued to the consumer, what quantity a wholesaler or retailer can possess at one time, what the demand for a particular drug is at a particular time and in a particular locality and so on. Especially an officer who has to deal with drug rules like the Surgeon-General with the Government of Madras, will be better qualified than any body else to enforce the provisions of this Bill. With these few words, I support the Bill."

DR. V. K. JOHN :—" I have one suggestion to make. While controls may be good, Government must concentrate on producing the drugs required, in this Province itself. We must not depend upon foreign imports. Secondly, we must encourage Indian medicines. We have lived and depended on these for centuries. So we must not depend on foreign medicines."

* THE HON. SRI J. L. P. ROCHE VICTORIA :—" With regard to the suggestion made that these controls can be administered better by medical men, I may say that the medical men who are already in charge of drugs do not find much time to devote their attention to these matters. I am sure that the Surgeon-General might have been consulted; if he has not been consulted, we can consult him. I can assure the hon. Member that necessary advice would be taken from qualified medical people in these matters."

" With regard to the other suggestion that the local Indian drugs should be encouraged, I am sure that that is being done. Now these controls of course cover Indian drugs also. With the introduction of these controls, it is hoped that the Indian drugs will find a market. With these words, I move that the Bill may be taken into consideration immediately."

THE DEPUTY PRESIDENT :—" The question is—
' that the Madras Drugs (Control) Bill, 1949 (L.A. Bill No. 28 of 1949), as passed by the Legislative Assembly be taken into consideration at once '."

The motion was carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 were then separately put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI J. L. P. ROCHE VICTORIA :—" Sir, I beg to move—

' that the Madras Drugs (Control) Bill, 1949 (L.A. Bill No. 28 of 1949), as passed by the Legislative Assembly be passed into law '."

THE DEPUTY PRESIDENT :—" The question is—
' that the Madras Drugs (Control) Bill, 1949 (L.A. Bill No. 28 of 1949), as passed by the Legislative Assembly be passed into law '."

The motion was carried and the Bill was passed into law.

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(4) THE MADRAS TENANTS AND RYOTS PROTECTION BILL,
1949 (L.A. BILL NO. 29 OF 1949).

THE HON. SRI H. SITARAMA REDDI:—"Sir, I beg to move—

'that the Madras Tenants and Ryots Protection Bill a, 1949 (L.A. Bill No. 29 of 1949), as passed by the Legislative Assembly be taken into consideration at once'.

Sir, an Ordinance has been passed due to certain decisions of the Madras High Court and this Bill has been brought forward on the same terms as this Ordinance VII of 1949. It was originally intended to protect the tenants and ryots and the various provisions of the Bill have been discussed in this House before and there is not much to add now."

THE DEPUTY PRESIDENT:—"The question is—
'that the Madras Tenants and Ryots Protection Bill a, 1949 (L.A. Bill No. 29 of 1949), as passed by the Legislative Assembly be taken into consideration at once'."

DR. V. K. JOHN :—"I want to make one suggestion to the Government. This measure is taken up only pending further legislation. The Government want to make temporary legislation for protection of tenants. I want them to examine the question whether it is not economically wise to perpetuate good relations between landlord and tenant. I consider that asking the tenants to pay rents is not a proposition which is economically sound. In my opinion, what the Government should do is to give an opportunity to the tenant to purchase the rights of the intermediaries and become the owners of the lands. By so doing, the Government will enable the tenant to save what is lost in collection agencies and otherwise and put it into an Annuity Fund so that by paying almost the same rent, the tenant will be able to purchase all the land for cultivation. This aspect has been explained by me on a former occasion, and if the Government do this, there would be good production. Then there will not be the question of the relationship of the landlord and tenant being disturbed. Let all the tenants become owners of the land. Sir, hereafter, co-operative societies are to take up the functions of the landlords. They must help the tenants in every way. Twenty years ago, in Malabar this was the case and we had good production. The aim of any agrarian reform must be to get the largest output from the land and this can be achieved only when you have an independent cultivators. Hence I request the Government to take this aspect into consideration when they take up permanent legislation.

"Sir, it is a pity that even in this temporary legislation which is pending further legislation, the Government must take powers to remove difficulties. It is too much to have such provisions in the Bill. Then, why not the Government say that they can do what

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they like and nobody can question them. In that case, let them abolish the Legislature and let the executive alone function. Let them take still more powers. Sir, I think that it is not a compliment to this House or to the Government or to the party to say that 'we will introduce a provision in this Bill which will give power to the executive to remove difficulties.' I submit, Sir, that such a provision ought not to find a place in a legislation of this type."

* THE HON. SRI H. SITARAMA REDDI :—" Sir, the suggestion made regarding the relationship between the tenants and the landlords along with other valuable suggestions made by hon. Members are being examined, and I am sure that due and necessary weight will be given to these suggestions. My own feeling in the matter is that it is not so simple as the hon. Members have tried to make out. I do not want to enter into the details of the difficulties at this stage. I know that there would be a proper time and place for it when I will do that; then, the hon. Members will also have an opportunity of expressing their views once again.

" My hon. Friend was referring to the saving clause. But I may say that there is nothing new about it. This clause is there in every Act. The House knows that this is a provision that is intended to see that the Act works without much difficulty, in the interests of the people for whose benefit it is being enacted. So, I hope the hon. Member would not object to that particular clause in view of the fact that it is intended for the benefit of the poor people."

THE DEPUTY PRESIDENT :—" The question is—

' that the Madras Tenants and Ryots Protection Bill, 1949 (L.A. Bill No. 29 of 1949), as passed by the Legislative Assembly be taken into consideration at once '."

The motion was carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 were then put and carried.

Clause 1 and the preamble were put and carried.

THE HON. SRI H. SITARAMA REDDI :—" Sir, I beg to move—

' that the Madras Tenants and Ryots Protection Bill, 1949 (L.A. Bill No. 29 of 1949) as passed by the Legislative Assembly be passed into law '."

THE DEPUTY PRESIDENT :—" The question is—

' that the Madras Tenants and Ryots Protection Bill, 1949 (L.A. Bill No. 29 of 1949) as passed by the Legislative Assembly be passed into law '."

The motion was carried and the Bill was passed into law.

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(5) THE MADRAS PRESERVATION OF PRIVATE FORESTS BILL, 1949
(L.A. BILL NO. 30 OF 1949).

3-15
p.m.

THE HON. SRI H. SITARAMA REDDI :—" Sir, I move—

' that the Madras Preservation of Private Forests Bill^a, 1949 (L.A. Bill No. 30 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.'

This is a Bill that has been brought forward to replace the provisions of Ordinance VIII of 1949."

THE DEPUTY PRESIDENT :—" Motion moved—

' that the Madras Preservation of Private Forests Bill, 1949 (L.A. Bill No. 30 of 1949), as passed by the Legislative Assembly, by taken into consideration at once'."

SRI R. SURYANARAYANA RAO :—" Sir, I have a few doubts now which, I hope, the Hon. Minister in charge of Land Revenue will clear. Under clause 1 (3) it is stated that this Act shall come into force at once and remain in force up to and inclusive of the 2nd December 1950. This clause would have been all right if this applied only to forests situated in estates as defined in the Madras Estates Land Act of 1908 in the Province of Madras. But this Act applies to private forests in the districts of Malabar and South Kanara as well as to private forests situated in other areas in the Province. I do not know, Sir, why its effect should be restricted to a particular period especially with regard to the other areas. I can very well understand the provision referring to forests situated in the estates because when the Estates Abolition Act comes into force, all these estates will form part of the Government forests, but in respect of other areas there is no need to restrict the period of operation. I am one of those who supported this Bill and I do not see why the application of these wholesome provisions should be restricted in the case of forests other than those coming under the Madras Estates Land Act, 1908."

* THE HON. SRI H. SITARAMA REDDI :—" Sir, the Bill applies to private forests in Malabar and South Kanara districts, in estates as defined in the Madras Estates Land Act, 1908, and to other areas. My hon. Friend's objection is why we have extended it to other areas. The idea is to prevent the indiscriminate destruction of forests . . ."

SRI R. SURYANARAYANA RAO :—" My objection is not to the extension of the provisions of this Bill to other areas. I want to know why its enforcement should be restricted to a particular period in respect of other private forests also. I can understand the restriction with respect to the other estates as they are going to form part of the Government forests shortly."

THE HON. SRI K. MADHAVA MENON :—" This is only a temporary measure, Sir. The idea is to bring in permanent legislation later."

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* THE HON. SRI H. SITARAMA REDDI :—“ The object of this Bill is that once all the estates are taken over by the Government, the forests in those estates will be governed by the existing Forest Act applicable to any other area in the Province. It has been mentioned by my Hon. Colleague, the Minister for Law, that this is only a temporary measure, and after a certain period, it is intended to have a uniform Act applicable to all the forests in the Province. When the forests in the estates come under Government they will be governed by the existing Forest Laws. Now there are different sets of rules for different areas. It is, therefore, proposed to have a uniform set of rules for all areas to guide us in the matter of preservation and exploitation of forests.”

THE DEPUTY PRESIDENT :—“ The question is—

‘ that the Madras Preservation of Private Forests Bill, 1949 (L.A. Bill No. 30 of 1949), as passed by the Legislative Assembly, be taken into consideration at once ’.”

The motion was carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI H. SITARAMA REDDI :—“ Sir, I move—

‘ that the Madras Preservation of Private Forests Bill, 1949 (L.A. Bill No. 30 of 1949), be passed into law ’.”

THE DEPUTY PRESIDENT :—“ The question is—

‘ that the Madras Preservation of Private Forests Bill, 1949 (L.A. Bill No. 30 of 1949), be passed into law ’.”

The motion was carried and the Bill was passed into law.

(6) THE MADRAS JUTE GOODS CONTROL BILL, 1949 (L.A. BILL NO. 31 OF 1949).

* THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—

‘ that the Madras Jute Goods Control Bill, 1949 (L.A. Bill No. 31 of 1949), as passed by the Legislative Assembly, be taken into consideration at once.’

This relates to the last of the Ordinances which remain to be passed into law. Sir, this Ordinance was issued on the 5th November 1949, though the Assembly was to meet on 7th November. The reasons for the issue of the Ordinance in such circumstances were the devaluation of the sterling and certain consequential action taken by the Government of Pakistan and also the conclusion of a contract entered into by the Government of India with the

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Government of Argentine on the basis of a barter. As the arrangement was to exchange jute for rice from Argentine the Government of India had to control production, supply and distribution of jute throughout the Indian Dominion. The Government of India desired that a uniform policy be followed and simultaneous action taken by all provinces in this connexion. They also wanted that action should be taken on the same day and that a common Jute Controller be appointed at once. As the Jute Controller had to be appointed by the provinces concerned they suggested on the 4th November that one Mr. Walker might be appointed to the post so that there will be concerted action in this regard. We, therefore, issued the Orinance on the 5th November 1949 making provision, among other things, for the appointment of a Jute Controller. The emergency was that the Government of India had to satisfy the Argentine Government in regard to India's commitments."

THE DEPUTY PRESIDENT :—" Motion moved—

' that the Madras Jute Goods Control Bill, 1949 (L.A. Bill No. 31 of 1949), as passed by the Legislative Assembly, be taken into consideration at once '."

DR. V. K. JOHN :—" May I enquire, Sir, whether the Government have any plan or are taking steps for the production of jute in this Province ? "

* THE HON. SRI K. MADHAVA MENON :—" Yes, Sir. The Indian Union is very deficient in jute, the major portion being cultivated in Pakistan. Steps are being taken to make India not only self-sufficient in jute but to produce more for export also. Last year, an expert from the Government of India came and went round several places in this Province where jute could be grown successfully without detriment to food crops. Certain areas were marked and experiments in jute cultivation are being carried out in these places."

The motion was carried.

Clauses 2, 3, 4, 5, 6, 7, 8 and 9 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
' that the Madras Jute Goods Control Bill, 1949 (L.A. Bill No. 31 of 1949), be passed into law '."

THE DEPUTY PRESIDENT :—" The question is—
' that the Madras Jute Goods Control Bill, 1949 (L.A. Bill No. 31 of 1949), be passed into law '."

The motion was carried and the Bill was passed into law.

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(7) THE MADRAS HACKNEY CARRIAGE (AMENDMENT) BILL, 1949
(L.A. BILL NO. 33 OF 1949).

* THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—
‘ that the Madras Hackney Carriage (Amendment) Bill a,
1949 (L.A. Bill No. 33 of 1949), as passed by the Legis-
lative Assembly be taken into consideration at once ’.

When the Madras Hackney Carriage Act was passed originally in 1911, certain contingencies were not contemplated. ‘ Hackney carriage ’ has been defined in that Act as ‘ any wheeled vehicle drawn or pushed by a man or horse, bullock or other animal ’. It was not anticipated then that cycle-rickshaws would one day be introduced. Sir, cycle-rickshaws have come to stay in cities like Madras and we have now 13 of them in the City of Madras alone. At present there is some difficulty in registering these rickshaws under the Madras Hackney Carriage Act, 1911, as an interesting point was raised whether the definition ‘ push ’ in the Act could include ‘ propelling ’. It is in order to get over this small technical difficulty that this amendment has been suggested which adds a few more definitions. Legal pandits have told us that by adding the words like ‘ propelling ’, and expressions like ‘ including a cycle-rickshaw ’, the purpose can be achieved, namely to bring the cycle-rickshaws within the purview of the Act for purposes of registration.”

THE DEPUTY PRESIDENT :—“ The motion, moved—

‘ that the Madras Hackney Carriage (Amendment) Bill, 1949 (L.A. Bill No. 33 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.”

* SRI S. B. ADITYAN :—“ Sir, I take this opportunity to suggest to the Government to introduce in Madras what are known as ‘ trishaws ’ which are now largely in use in all countries in the Far East, for example, Singapore, Hongkong, Batavia and even Japan. I have experience of these trishaws and they are a very convenient form of transport. They can be easily pedalled and persons can be seated on the side of the person who propels. It causes no hardship to anybody. After all, it is not very much different from the ordinary tricycle rickshaws which have now come to Madras. The advantage in the trishaws which have become so popular in the Far East is that the man who propels sits by the passenger’s side. Another advantage is that it is very easy for the man to drive the machine. What has become common in countries like Japan, Malaya, Burma and Hongkong, I am sure, Sir, will be found very convenient and ideal for the conditions prevailing in Madras also. I hope, Sir, that Government will try to get one or two of these for the time being and if found satisfactory introduce them here, in this country.”

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* THE HON. SRI K. MADHAVA MENON :—“ Sir, I have not had the privilege of seeing these carriages. If I get an opportunity I shall go and see them for myself. The Government have not, like the motor transport, taken up the question of transport by other means and therefore, I am unable to accept the suggestion of the hon. Member. If any enterprising concern could purchase these trishaws we will certainly register them and give them a trial and see what the chances are.”

AN HON. MEMBER :—“ And amend the Act if necessary.”

MRS. MONA HENSMAN :—“ I wish to add a word. I found in Mandalay these cycle rickshaws immensely popular. May I say that ladies prefer cycle-rickshaw so that the man may go before them instead of his going behind or by the side.”

THE DEPUTY PRESIDENT :—“ Motion moved—

‘ that the Madras Hackney Carriage (Amendment) Bill, 1949 (L.A. Bill No. 33 of 1949), as passed by the Legislative Assembly be taken into consideration at once.’”

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried.

* THE HON. SRI K. MADHAVA MENON :—“ I move, Sir—
‘ that the Hackney Carriage (Amendment) Bill, 1949 (L.A. Bill No. 33 of 1949), be passed into law’.

I do not know how far Mrs. Hensman is correct that ladies would not like to have men before or by the side.”

DR. V. K. JOHN :—“ Probably the hon. Member was referring to motor-rickshaws where the man propelling the vehicle sits behind and the ladies sit in front. Which of the rickshaws would be preferred by the ladies”

* THE HON. SRI K. MADHAVA MENON :—“ I do not know whether the ladies would like to have before, side or behind”

DR. V. K. JOHN :—“ Wherever a lady sits, she enjoys”

* THE HON. SRI K. MADHAVA MENON :—“ I have not got the experience of the Leader of the Opposition. I must take the experience and authority of only the hon. Member Mrs. Hensman on the subject. It would be an interesting matter for the Woman's Association to give us an idea as to which would be the better position, before, by the side or behind.”

THE DEPUTY PRESIDENT :—“ Motion moved—

‘ that the Hackney Carriage (Amendment) Bill, 1949, be passed into law’.”

The motion was carried and the Bill was passed into law.

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(8) THE INDIAN TREASURE TROVE (MADRAS AMENDMENT) BILL,
1949 (L.A. BILL NO. 34 OF 1949).

* THE HON. SRI H. SITARAMA REDDI :—" I move that—
the Indian Treasure Trove (Madras Amendment) Bill a,
1949 (L.A. Bill No. 34 of 1949), as passed by the Legisla-
tive Assembly be taken into consideration at once'.

Under section 4 of the Indian Treasure Trove Act, 1878, the duty of giving notice in writing to the Collector of the treasure-trove is not on the owner or occupier of the place. It is considered that the owner of the place and the occupier of the place shall give the notice referred to. In section 5 of the Act, the Collector is required to make the enquiry and take steps referred to therein, only after notice is received by him under section 4 and not on information received by him otherwise. It is felt that in such cases also it should be open to the Collector to make enquiry and take the steps mentioned under section 5. Clauses 2 and 3 of this Bill effect these changes. Clause 4 makes the occupier or the owner liable to punishment if he fails to furnish information to the Collector."

THE DEPUTY PRESIDENT :—" Motion moved—

' the Indian Treasure Trove (Madras Amendment) Bill, 1949 (L.A. Bill No. 34 of 1949), as passed by the Legislative Assembly be taken into consideration at once'."

The motion was put and carried.

Clauses 2, 3, 4, 1 and Preamble were put and carried.

THE HON. SRI H. SITARAMA REDDI :—" I move—
' that the Indian Treasure Trove (Madras Amendment) Bill,
1949 (L.A. Bill No. 34 of 1949), be passed into law'."

THE DEPUTY PRESIDENT :—" The question is—
' the Indian Treasure Trove (Madras Amendment) Bill,
1949 (L.A. Bill No. 34 of 1949), be passed into law'."

The motion was carried and the Bill was passed into law.

(9) THE MADRAS RIVERS CONSERVANCY (AMENDMENT) BILL, 1949
(L.A. BILL NO. 35 OF 1949).

* THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I move—
' that the Madras Rivers Conservancy (Amendment) Bill^b,
1949 (L.A. Bill No. 35 of 1949), as passed by the Legisla-
tive Assembly be taken into consideration at once'.

This is a short amendment to the Act to remedy a lacuna which has been pointed out. Section 17 of the Act refers to taking certain action to prevent erosion, etc. The amendment now empowers Conservators of Forests to plant and grow reeds, grass or shrubs, etc., to preserve river embankments. That is why we have now come with this amendment."

^a Printed as Appendix XII on page 705 infra.

^b Printed as Appendix XIII on page 706 infra.

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THE DEPUTY PRESIDENT :—“ Motion moved—

‘ that the Madras Rivers Conservancy (Amendment) Bill, 1949 (L.A. Bill No. 35 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.”

DR. V. K. JOHN :—“ May I know why this lacuna was not found from 1884 to 1949? ”

* THE HON. SRI M. BHAKTAVATSALAM :—“ Because, Sir, we did not perhaps have brilliant lawyers like the Leader of the Opposition. Very recently this was pointed out and therefore we have come forward with the amendment.”

The motion was put and carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. SRI M. BHAKTAVATSALAM :—“ I move, Sir—
‘ that the Madras Rivers Conservancy (Amendment) Bill, 1949, be passed into law ’.”

THE DEPUTY PRESIDENT :—“ The question is—

‘ that the Madras Rivers Conservancy (Amendment) Bill, 1949, be passed into law ’.”

The motion was put and carried and the Bill was passed into law.

(10) THE TUTICORIN PORT TRUST (AMENDMENT) BILL, 1949
(L.A. BILL NO. 36 OF 1949).

THE HON. SRI M. BHAKTAVATSALAM :—“ Sir, I move—
‘ that the Tuticorin Port Trust (Amendment) Bill ^a, 1949 (L.A. Bill No. 36 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.”

Under the present Act the minimum and maximum strength for the Port Trust are 9 and 13. It is now proposed to raise the minimum limit to 13 and the maximum to 17 in response to representations received by Government.”

THE DEPUTY PRESIDENT :—“ Motion moved—

‘ that the Tuticorin Port Trust (Amendment) Bill, 1949 (L.A. Bill No. 36 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.”

DR. V. K. JOHN :—“ The Government are now giving consideration for representations made to them and to public opinion. I think, Government are now turning the corner and are paying respect to public opinion. I commend their present action.”

The motion was put and carried.

Clauses 2 to 6, 1 and the Preamble were put and carried.

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THE HON. SRI M. BHAKTAVATSALAM :—“ I move, Sir—
‘ that the Tuticorin Port Trust (Amendment) Bill, 1949, be passed into law ’.”

THE DEPUTY SPEAKER :—“ The question is—
‘ that the Tuticorin Port Trust (Amendment) Bill, 1949, be passed into law ’.”

The motion was carried and the Bill was passed into law.

(11) THE MADRAS REGISTRATION OF BIRTHS AND DEATHS
(AMENDMENT) BILL, 1949 (L.A. BILL NO. 37 OF 1949).

* THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—
‘ that the Madras Registration of Births and Deaths (Amendment) Bill, 1949, (L.A. Bill No. 37 of 1949), as passed by the Legislative Assembly be taken into consideration at once.’

“ Under the present Act any person who pays a fee of four annas for each day is entitled to come and search the register of Births and Deaths. The practice of allowing any and every person to handle this very valuable register is very risky and undesirable from very many points of view. So we are bringing the amendment which in two ways is very advantageous to the party. In one case, if the party under the present conditions wants to search, he has to pay four annas for each day and if the search goes on for the next day, he should again pay four annas for the next day. Secondly if the party concerned sends the prescribed fees and the postal charges, the party need not go and search; it will be done by the Registrar and the extract sent to the party. That is the normal procedure. It is not desirable to allow the parties to handle the documents.”

THE DEPUTY PRESIDENT :—“ Motion moved—
‘ that the Madras Registration of Births and Deaths (Amendment) Bill, 1949 (L.A. Bill No. 37 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.”

DR. V. K. JOHN :—“ I complement the Government on their wisdom.”

THE DEPUTY PRESIDENT :—“ The question is—
‘ that the Madras Registration of Births and Deaths (Amendment) Bill, 1949 (L.A. Bill No. 37 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.”

The motion was carried.

Clauses 2, 1 and the Preamble were put and carried.

* THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—
‘ that the Madras Registration of Births and Deaths (Amendment) Bill, 1949, be passed into law.’

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“ It is gratifying indeed, Sir, that the Leader of the Opposition has complemented the Government.”

THE DEPUTY PRESIDENT :—“ The question is—

‘ that the Madras Registration of Births and Deaths (Amendment) Bill, 1949, be passed into law ’.”

The motion was carried and the Bill was passed into law.

(12) THE PROVINCIAL SMALL CAUSE COURTS (MADRAS AMENDMENT)
BILL, 1949 (L.A. BILL NO. 38 OF 1949).

3-43
p.m. * THE HON. SRI K. MADHAVA MENON :—“ Mr. Deputy President, I move—

*‘ that the Provincial Small Cause Courts (Madras Amendment) Bill * as passed by the Legislative Assembly be taken into consideration at once.’*

“ Sir, the object of the Bill is to correct a mistake that has crept in, in the matter of grant of vacation to the additional small cause courts in the districts. Till 1946, district munsifs and subordinate judges were being invested with small cause powers under section 28 of the Madras Civil Courts Act, 1873. The civil courts were having vacation under the Civil Courts Act. There is no provision in the Provincial Small Cause Courts Act for vacations being granted to courts constituted under that Act. In 1946, the Government on the suggestion of the High Court invested District Munsifs and Official Receivers with small cause powers under the Provincial Small Cause Courts Act. These courts enjoyed vacation though they were not entitled to it under the Act. It is a mistake. The High Court suggested to the Government that it may be rectified. The Bill makes provision for the grant of vacation from the date the courts were invested with powers under the Act.”

THE DEPUTY PRESIDENT :—“ Motion moved—

‘ that the Provincial Small Cause Courts (Madras Amendment) Bill, 1949 (L.A. Bill No. 38 of 1949), as passed by the Legislative Assembly be taken into consideration at once ’.”

DR. V. K. JOHN :—“ Sir, in my opinion the provision made here is a very desirable one. I support it.”

The motion that the Bill be taken into consideration at once was put and carried.

Clauses 2, 1 and the Preamble were put one by one and carried.

* THE HON. SRI K. MADHAVA MENON :—“ I move, Sir, that the Bill be passed into law. I have heard the Leader of the Opposition condemning us outright for passing legislation which is retro-active or retrospective in its effect. I am very glad to hear the Hon. the Leader of the Opposition say that this Bill is a very desirable one.”

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THE DEPUTY PRESIDENT :—" The question is—
' that the Provincial Small Cause Courts (Madras Amendment) Bill, 1949, as passed by the Legislative Assembly be passed into law '."

The motion was put and carried and the Bill was passed into law.

THE DEPUTY PRESIDENT :—" The House will now adjourn and meet again at 11 a.m. on the 22nd December 1949."

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

(Bills as passed by the Assembly and received therefrom in the Council.)

1. *The Madras Buildings (Lease and Rent Control) Bill, 1949* (L.A. Bill No. 26 of 1949).

2. *The Madras Prohibition (Amendment) Bill, 1949* (L.A. Bill No. 27 of 1949).

3. *The Madras Drugs (Control) Bill, 1949* (L.A. Bill No. 28 of 1949).

4. *The Madras Tenants and Ryots Protection Bill, 1949* (L.A. Bill No. 29 of 1949).

5. *The Madras Preservation of Private Forests Bill, 1949* (L.A. Bill No. 30 of 1949).

6. *The Madras Jute Goods Control Bill, 1949* (L.A. Bill No. 31 of 1949).

7. *The Madras Hackney Carriage (Amendment) Bill, 1949* (L.A. Bill No. 33 of 1949).

8. *The Indian Treasure Trove (Madras Amendment) Bill, 1949* (L.A. Bill No. 34 of 1949).

9. *The Madras Rivers Conservancy (Amendment) Bill, 1949* (L.A. Bill No. 35 of 1949).

10. *The Tuticorin Port Trust (Amendment) Bill, 1949* (L.A. Bill No. 36 of 1949).

11. *The Madras Registration of Births and Deaths (Amendment) Bill, 1949* (L.A. Bill No. 37 of 1949).

12. G.O. No. 2180, L.A., dated 19th October 1949, issuing instructions in regard to the conduct of elections to the Gummileru Panchayat Board (East Godavari).

13. *The Provincial Small Cause Courts (Madras Amendment) Bill, 1949* (L.A. Bill No. 38 of 1949).

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APPENDIX I.

[Vide answer to starred question No. 50-A asked by Janab Abdul Latif Farookhi (on behalf of Dr. V. K. John) at the meeting of the Legislative Council held on 26th November 1949, page 610 supra.]

The Government of India have given an assurance to the Rulers of the merged States that as far as possible all permanent members of the public services in the States would be absorbed on conditions which will not be less advantageous than those which they were receiving before the merger. They are, therefore, bound morally and otherwise to ensure that the guarantees are fulfilled both in letter and in spirit and have accordingly directed that their guarantees with reference to permanent public servants should be scrupulously observed; that wherever it becomes necessary to terminate the services of any person for no fault of his or because of his unsuitability or otherwise he should be paid adequate compensation; that it will be unfair if an attempt is made to settle less favourable terms with any of the employees who may have no option but to accept them for fear of loss of career; and that every effort should be made to utilize such talents as are available as there is an all-round shortage of experienced personnel having knowledge of local conditions.

2. Ancillary to the Government of India's instructions the Madras Government have laid down the following principles regarding the absorption of the members:—

(i) Persons occupying specific posts in the States who possess qualifications similar to those possessed by occupants of corresponding posts in Madras should be retained in service. There is, however, no need to consider posts of similar title in the merged States as equivalent. The criteria should be the area of jurisdiction and to some extent the pay drawn in the State before absorption.

(ii) Persons possessing inferior qualifications but occupying posts which under the Madras Government require superior qualifications should be offered alternative posts to which their qualifications entitle them in Madras and if they refuse, they may be retired or discharged on payment of compensation for loss of career.

(iii) Those who have no qualifications may be retired on compensation for loss of career. Wherever considered necessary these unqualified persons may, however, be retained in service on their previous pay scales. They will be governed by and retired under the State rules and should not be regarded as members of any of the Madras Government Services.

(iv) Persons who do not possess the requisite departmental qualifications will be given two years' time from 1st January 1949 to acquire the qualifications prescribed for the posts in which they

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are absorbed. Till they get themselves so qualified, they may be allowed to draw only the pre-merger rates of pay and allowances. They will be deemed to have been regularly absorbed only after they qualify themselves within the prescribed period. If they do not qualify themselves within this period, they may be retired on proportionate pension or compensation as laid down in paragraph 10 below or if they so elect, they may be retained in service on their previous pay scales and governed by and retired under State rules.

3. The Board of Revenue has asked the Collectors concerned to re-examine all cases in the light of the following instructions :—

(1) All permanent staff must be continued till absorbed in Madras Services or retrenched. If retrenched, 3 months' notice is necessary and suitable compensation for loss of career must be paid.

(2) Temporary staff, if supernumerary to requirements, should be disbanded after one month's notice.

(3) All State servants must continue to receive the same rates of pay which they were receiving before.

The Collectors have been asked to consult other district officials with a view to ascertaining the possibility of absorbing any of the surplus staff in the corresponding departments and to send revised proposals in the light of the above instructions and to furnish—

(a) A list of persons to be retrenched showing whether they are permanent or temporary; (b) a list of persons to be absorbed and who may continue to be employed; and (c) a list of persons who are surplus to the requirements of the merged area but who could be absorbed in suitable similar posts in the Presidency. In the case of persons to be absorbed, proposals have been called for, for their absorption into Madras Services with details of relevant rules to be relaxed.

4. The details called for by the Board of Revenue referred to in the foregoing paragraph will be received in the administrative departments of the Secretariat concerned either through the Board of Revenue or through the heads of departments concerned. Departments of the Secretariat will take the necessary action for the absorption of such staff adoption the abovementioned general principles by relaxing, if necessary, the relevant rules in consultation with the Public (Services) Department. They may also leave it to the head of the department concerned or to the Board of Revenue to take the necessary action for the absorption of the non-pensionable staff having due regard to the principles already enunciated, if they consider it necessary. The staff [unqualified persons referred to in paragraph 2 (iii) excepted, shall] after they have been absorbed, be deemed to belong to the corresponding services under this Government and be governed by the rules in force in this Province. Their previous qualifying service in the State should count for purpose of pension, etc.

5. In fixing the pay of the State employees in the time-scales of pay of posts to which they are appointed or in which they are

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absorbed, care should be taken to implement the assurances of the Government of India referred to in paragraph 1 above. Fully qualified staff when taken into posts in the subordinate services under this Government, should be brought on to the time-scales of pay of the posts and should be allowed the benefits of advance increments in the manner prescribed below and as laid down in G.O. No. 78, Finance, dated 6th February 1947 :—

(a) The pay of every permanent State employee should be fixed in the appropriate scales of the corresponding post to which he is appointed at the stage next above his pay in the State Service.

(b) If such aggregate is less than the minimum of the scale of the post to which he is appointed, his pay shall be fixed at such minimum.

(c) After his pay is fixed under sub-paragraphs (a) or (b) above, as the case may be, he shall be granted advance increments in the revised scale as specified below :—

- | | |
|---|---------------------------|
| (i) For a service of 4 years and more but less than 8 years in his previous scale. | One advance increment. |
| (ii) For a service of 8 years and more but less than 12 years in his previous scale. | Two advance increments. |
| (iii) For a service of 12 years and more but less than 16 years of service in his previous scale. | Three advance increments. |
| (iv) For a service of 16 years and more in his previous scale. | Four advance increments. |

(d) Where an officer is granted any advance increment or increments under sub-paragraph (c) above, only service from the date on which such advance increment or increments are given shall count for further increments.

(e) An officer not eligible for any advance increment under sub-paragraph (c), shall be allowed to count service in the scale of pay in force in the State which has not already been counted for increments, for increments in the revised time-scales up to a maximum of one year.

6. The pay of the fully qualified officers appointed to posts in the Provincial Gazetted Services of this Government should be fixed in the corresponding scale at the stage next above their pay in State Service.

7. These concessions do not apply to members who are not fully qualified.

8. There may be cases where persons in the State's Service have been on a higher scale of pay for which there is no corresponding scale in Madras Service. Where suitable scales of pay

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in Madras Service do not exist, the staff may be absorbed in posts in which they can appropriately be absorbed; the excess pay, if any, drawn by them being treated as personal pay. Cases where the application of this principle works hardship, can be dealt with individually on their merits.

9. Some of the State employees were in receipt of certain special concessions, e.g., rent-free quarters, free conveyance or conveyance at nominal cost. Such cases may be few and their cases can also be considered individually on their merits.

10. State employees who are to be discharged from service for one reason or other as a result of the reorganization of the departments, should be paid compensation as laid down below :—

(1) State employees who have put in less than 10 years' service may be paid compensation at the rate of a month's salary for each year of service.

(2) Persons who have put in a service of 10 years and more may be retired according to the rules in force in the States or according to the Madras Rules, whichever are advantageous to the employees.

11. The absorption of members, the refixation of pay and other concessions sanctioned in this Order, shall have effect from 1st January 1949 and no claims to retrospective effect before that date will be considered under any circumstances.

OFFICE MEMORANDUM.

[*Subject.*—States—Banganapalle and Pudukkottai—Merger—
Staff—Absorption—Payment of dearness allowance, etc.
Reference.—G.O. 855, Public (Political), dated 26th March 1949.]

The following sentence shall be added to sub-paragraph (a) of paragraph 5 of G.O. No. 855, Public (Political), dated 26th March 1949 :—

“ He should also be paid dearness allowance at the appropriate rates which are in force in this Province from time to time and will be eligible to such other concessions as are available to the incumbents of similar posts in this Province.”

APPENDIX II.

[Vide answer to starred question No. 54 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 26th November 1949, page 615 supra.]

List of officers of the Industries Department deputed abroad for foreign studies.

Serial number and name of officers. (1)	Subject of study. (2)	Post held prior to deputation. (3)	Post held on return from deputation. (4)
1 P. B. V. Reddy * ..	Vegetable and Oil Hydrogenation ..	District Industries Officer on Rs. 230—410.	District Industries Officer on Rs. 230—410.
2 C. Thirunarayanan ..	Fuel Technology	Do.	Do.
3 Sirdar Ali Khan ..	Factory Management	Do.	Do.
4 R. Baratan	Technique of boring and borewells and manufacture of boring tools.	Special Officer for the installation of Hydrogenation Factory on Rs. 230—410.	First appointed as District Industries Officer and now acting as Special Officer for Power Drills on Rs. 230—410.
5 Basheer Ahmed ..	Deposition of metals	Workshop Engineer (temporary, under emergency provisions of the service rules), Arthur Hope Polytechnic on Rs. 230—410.	District Industries Officer on Rs. 230—410.
6 T. R. Krishnaswamy ..	Manufacture of machine tools ..	Assistant Industrial Engineer on Rs. 260—500.	Special Officer, Andhra Paper Mills, on Rs. 500—850.
7 Dr. P. B. R. Murthy ..	Textile and industrial chemistry, chemistry of dyes and dyestuffs.	Tinctorial Chemist on Rs. 230—410 (post since abolished).	First as Head of Chemical Engineering Section (on Rs. 230—410) and now working as Principal, Kerala Polytechnic (on Rs. 420—700). Oil Technologist on Rs. 420—700.
8 Dr. K. S. Murthy ..	Solvent Extraction of oils and soap manufacture.	Oil Technologist, Kerala Soap Institute, Kozhikode, on Rs. 420—700.	
9 B. Narasimha Rao ..	Fuel Technology with special reference to design and construction of furnaces.	Assistant Industrial Engineer on Rs. 260—500.	Engineer Designer on Rs. 420—700. (Services lent to Hyderabad Government.)
10 U. Sundar Kini ..	Molecular distillation with special reference to Fish Liver Oils.	Technical Assistant, Government Oil Factory, Kozhikode, on Rs. 200—250 (non-gazetted).	Oil Chemist, Government Oil Factory, Kozhikode, on Rs. 230—500.
11 N. Hanumantha Rao ..	Refrigeration and air conditioning ..	Assistant Lecturer, Central Polytechnic, on Rs. 90—180 (non-gazetted).	Head of Electrical Engineering Section, Central Polytechnic, on Rs. 230—410
12 Y. Nayudamma ..	Leather chemistry	Junior Chemist on Rs. 180—5—200—10—240 (non-gazetted).	Not yet returned.
13 A. N. Raju	Ceramics	Ceramic Expert on Rs. 420—700 ..	Do.

* He will, in due course, be placed in charge of Hydrogenation Factory, Kozhikode.

APPENDIX III.

[Vide answer to starred question No. 57 asked by Sri Methey Narayana Rao at the meeting of the Legislative Council held on 26th November 1949, page 618 supra.]

Statement showing the names of industries which received State-aid during the year 1948-49 with particulars as to whether they are established or new industries and information regarding the nature of the industry, the names of the owner, manager or managing director and the amount of State-aid given to each of the industries.

Names of persons or companies granted State-aid. (1)	New or going concern. (2)	Nature of the industry. (3)	Amount granted. (4) RS.	Names of partners, if any. (5)	Names of Managing Agents, if any. (6)
1 Sri Kadambji Seshadri, Kupam (now at Madras).	New concern.	Manufacture of internal combustion engines.	1,000 (Subsidy).	Sri Kadambi Seshadri (Proprietor).	....
2 The Mohan Industries, Limited, Tenali.	Going concern.	Manufacture of building materials.	1,00,000 (Loan).	....	Sri A. Venkataramiah (Managing Director).
3 The Metal Industries, Limited, Shoranur.	Do.	Manufacture of agricultural implements.	1,00,000 (Loan).	....	Sri A. N. Poduval (Managing Director).
4 The Star Tyre Service Company, Madras.	Do.	Tyre repair and rubber goods manufacture.	12,000 (Loan).	Sri D. Gopalakrishna Naidu (Proprietor).	....
5 The Venkateswara Paper and Straw Board Mills, Limited, Tirupathi.	New concern.	Manufacture of straw board.	2,50,000 (Loan).	....	Sri P. V. Subramaniam (Managing Director).
6 The Sudarsan Oil Mills, Limited, Katpadi.	Going concern.	Manufacture of refined oil and Vanaspathi.	10,00,000 (Loan).	....	Raghu & Co.
7 The Andhra Pharmaceuticals, Limited, Vijayavada.	Do.	Manufacture of patent medicines, tablets, etc.	50,000 (Overdraft).		Sri T. N. Raghunatha Reddy and Sri T. Pattabirama Reddy (Partners, Managing Agency). Dr. C. Suryanarayana-murthi, Managing Director.

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Names of persons or companies granted State-aid. (1)	New or going concern. (2)	Nature of the industry. (3)	Amount-granted. (4) RS.	Names of partners, if any. (5)	Names of Managing Agents, if any. (6)
8 The Solar Industries and Trades, Limited, Erode.	New concern.	Bleaching and processing of handloom clothes and manufacturers and dealers in agricultural implements and machinery.	1,25,000 (Loan).	....	Messrs. M. Chinnappa Mudaliar & Sons.
9 Sri Radhakrishna Vegetable Oil Products Company, Pamidi.	Going concern.	Oil refining and soap manufacture.	1,50,000 (Loan).	Sri Aswatha Narayana, Sri Radhakrishnayya and Sri M. N. Krishnamurthy.	....
10 The Quilandy Artisans Co-operative Society, Limited, Quilandy.	Do.	Manufacture of bell metal wax.	3,000 (Non-repayable subsidy).	A co-operative society.	....
11 Sri Krishna Industrial Works, Ambajipettah, East Godavari district.	Do.	Manufacture of cycle spare parts.	5,000 (Loan). 3,000 (Subsidy).	Sri Attili Sathiraju, (Proprietor).	....
12 Messrs. Vegetols, Limited, Chittoor.	New concern.	Manufacture of Vanaspathi and refined oil.	5,00,000 (Loan).	....	Sri C. P. Sarathy, Janab M. Ameen Khaleeli (Partners, Khalsar & Co., Managing Agent).
13 Messrs. Rayalaseema Mills, Limited, Adoni.	Do.	Manufacture of cotton yarn.	7,50,000 (Loan).	....	Sri Halsharvi Narayana Reddi and Sri Machani Somappa. The Rayalaseema Development Company (Managing Agents).
14 The Madras Vanaspathi, Limited, Madras.	Do.	Manufacture of Vanaspathi and refined oil.	10,00,000 (Loan).	....	Sri K. V. Subba Rao.
15 The Ganga Works, Adyar.	Going concern.	Manufacture of soap and toilet articles.	85,000 (Loan).	Sri A. P. Ramachandra (Proprietor).	....
16 Messrs. K. V. Rathnam & Bros., Rajahmundry.	Do.	Manufacture of pens ..	4,000 (Loan).	Sri Kosuri Venkataratnam and Sri Kosuri Satyanarayana.	....

17 The Pakanadu Oil Mills, Limited, Nagari.	Do. ..	Oil Milling and Foundry ..	40,000 (Loan).	....	Sri G. Gopalakrishna Reddy (Managing Director).
18 The Metal Industries, Limited, Shoranur.	Do.	Manufacture of Agricultural implements.	75,000 (Loan).	....	Sri A. N. Poduval (Managing Director).
19 The Purnima Straw Board & Paper Mills, Limited, Moodabidri.	New concern.	Manufacture of straw board.	80,000 (Loan).	....	Sri G. Vasudeva Pai, Sri G. Gopal Pai and Sri G. Sridhar Pai. (Pai Brothers, Managing Agents.)
20 The Seranad Industrial Corporation, Limited, Rasi-puram.	Going concern.	Manufacture of cotton royan and silk piece goods in dyed, bleached and printed designs.	30,000 (Loan).	....	Sri Veerasarathy & Co., Partners, Sri P. A. Kasi Chetty and Sri R. V. Parthasarathy.
21 Sri Swarna Industrial Engineering Co., Ltd., Vijayavada.	Do.	Manufacture of agricultural implements.	20,000 (Loan).	....	Sri T. T. Prakasa Rao and Sri v. D. S. Prakasa Rao (Managing Director).
22 The National Manure Works, Udamalpet.	Do.	Manufacture of fertilizers.	25,000 (Loan).	Sri V. Srinivasan and Sri V. Raman.	....
23 The Kanara Ceramics, Limited, Kasargod.	Do.	Manufacture of ceramic ware.	60,000 (Loan).	....	Sri D. R. Bagade (Managing Director).
24 Sri Lakshmanaswamy, Kodikonda.	Do.	Manufacture of shuttles, looms and charkas.	2,000 (subsidiy).	Sri P. Lakshmanaswamy (Proprietor).	....
25 Sri Vijayalakshmi Textiles, Gudiyattam.	Do.	Manufacture of high grade silk fabrics.	24,000 (Loan).	Sri N. Ramanujulu Naidu, Sri A. Munuswami Mandiri, Sri P. M. Ponnuranga Naicker, Sri T. M. Thangavelu Mudaliar and Sri V. Munuswamy.	....
26 Messrs. Kumar Industries, Edathara.	Do.	Manufacture of agricultural implements.	1,00,000 (Loan).	Sri K. Madhavan Nair, Sri E. M. B. Nambodiripad, Sri P. C. Unni Nair and Sri K. Bhaskaran Nair.	

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APPENDIX IV.

[Vide answer to starred question No. 60 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 26th November 1949, page 621 supra.]

GOVERNMENT OF MADRAS.

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

PRESS NOTE NO. 29.

Dated Fort St. George, the 16th February 1949.

Certain reports, critical of the administration of the General Hospital, Madras, and the Barnard Institute of Radiology have appeared in the Press. These reports seem to be related to the interest that Government have been recently taking to investigate and improve the administration of these institutions which has suffered from the strain of the war years, particularly the shortage of main-power, commensurate with the increase in work.

In respect of the General Hospital, the attention of Government was drawn by the Accountant-General to the various financial irregularities in the accounts. On orders of Government these irregularities were investigated in detail by an experienced retired Assistant Accounts Officer on whose report the Surgeon-General has been directed to frame charges against the staff and officers responsible, and to cause corrections and improvements to be made in the procedure and discharge of the work. The Government have further directed that investigation should be made in other City Hospitals too, which may be subject to the same irregularities, in order that remedial action may be taken.

In respect of the general administration, Hon'ble Dr. Rajan, Minister for Food, made an inspection in May 1948 of the various departments. The defects found by him which relate to sanitation, convenience and comfort of patients, inadequacy of staff and accommodation, are the result of gradual accumulation for years. Action in respect of every detail noted by Hon'ble Dr. Rajan has been initiated and has been partly completed. Government are also considering the appointment of non-official visitors to these and other Government Hospitals with a view to organize the intelligent public vigilance, so that due and prompt attention is paid to the proper administration of medical relief to the public.

Hon'ble Dr. Rajan also inspected the Barnard Institute. His general finding was that complaints in respect of the Institute were largely due to jealousies of competitive practice. The various suggestions made by him on technical matters have been examined in respect of the action possible. The question of increasing the accommodation and altering the arrangements for the comfort of patients is also actively under consideration. This institution which is being run in conformity with standards of other Institutions in the world has been improving both in respect of its income and the scope and size of the relief provided. Its accounts which were thoroughly checked by the Assistant Accounts Officer

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have been reported to be satisfactory. In connection with the Radium needles on which there has been some uninformed comment, it has been found that the quality of these needles was duly tested on their receipt. In respect of those needles which were found to be different from specification, the suppliers in New York were promptly addressed. On supply of photographs of six of the needles, the company has agreed to re-test them. The company has also agreed to consider the photographs of other defective needles. This is entirely a matter of a contractual nature in which there has been no delay or default in the action taken by the officers of the Institute.

J. M. LOBO PRABHU,
Joint Secretary to Government.

GOVERNMENT OF MADRAS.

PUBLIC WORKS (INFORMATION AND PUBLICITY)
DEPARTMENT.

PRESS NOTE NO. 179.

Dated Fort St. George, the 7th October 1949.

The Government have gone very carefully into the case relating to the supply of defective radium needles to the Barnard Institute of Radiology, Government General Hospital, Madras, by an American firm, at which has given rise to a number of insinuation in certain sections of the Press. They find that there was no question of any part of the transaction having been improper or having been sought to be hushed up by the officers concerned but that the supplies made were not according to the specification and that every effort is being made to get the needles rectified. The American firm which supplied the needles has agreed to rectify the defective needles and after the first lot has been rectified and tested, the other needles will be sent for rectification. Although clinically the use of some of the needles has not disclosed any ill-effects, the Government have directed the withdrawal of the needles from use pending their rectification according to specifications.

[*Issued by the Director of Information and Publicity (in-charge).*]

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APPENDIX V.

[Vide item III (1) at page 624, supra.]

L.A. BILL No. 26 OF 1949.

(As passed by the Assembly.)

A Bill to regulate the leasing of buildings and for control of rent in the Province of Madras.

WHEREAS it is expedient to regulate the letting of residential and non-residential buildings and to control the rents of such buildings and to prevent unreasonable eviction of tenants therefrom in the Province; It is hereby enacted as follows :—

Short title,
application,
commence-
ment and
duration.

1. (1) This Act may be called the Madras Buildings (Lease and Rent Control) Act, 1949.

(2) It applies to the City of Madras, all municipalities within the Province and such other areas as may be notified by the Provincial Government in the *Fort St. George Gazette*.

(3) It shall come into force at once and shall remain in force up to and inclusive of the 30th September 1950.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) “ building ” means any building or hut or part of a building or hut, let or to be let separately for residential or non-residential purposes and includes—

(a) the garden, grounds and out houses, if any, appurtenant to such building, hut or part of such building or hut and let or to be let along with such building or hut,

(b) any furniture supplied by the landlord for use in such building or hut or part of a building or hut, but does not include a room in a hotel or boarding house;

(2) “ Controller ” means any person appointed to perform the functions of a Controller under this Act;

(3) “ landlord ” includes the person who is receiving or is entitled to receive the rent of a building, whether on his own account or on behalf of another or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent if the building were let to a tenant;

(4) “ tenant ” means any person by whom or on whose account rent is payable for a building and includes a person continuing in possession after the termination of the tenancy in his favour; but does not include a person placed in occupation of a building by its tenant or a person to whom the collection of rents or fees in a public market cart-stand or

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slaughter-house or of rents for shops has been farmed out or leased by a municipal council or local board or the Corporation of Madras.

3. (1) Every landlord shall, within seven days after his building becomes vacant by the landlord ceasing to occupy the building or by the termination of a tenancy, give notice thereof in writing to the Controller :

Notice of vacancy by landlord.

Provided that this sub-section shall not apply to a building the monthly rent of which does not exceed thirty rupees.

(2) If, within a week of the receipt of a notice under sub-section (1) by the Controller, the Provincial Government or any officer empowered by them in that behalf does not intimate to the landlord in writing that the building is required by them for any Governmental purposes or for use by any public institution under Government control or any officer of the Government, the landlord shall be at liberty to lease the building to any tenant.

(3) If the Provincial Government require the building for any purpose specified in sub-section (2), the Provincial Government shall be deemed to be the tenant of the landlord as from the date of the receipt of the notice under sub-section (1) and the terms of the tenancy shall be such as may be agreed upon between them :

Provided that the rate of rent shall not exceed the fair rent that may be payable under the provisions of this Act.

4. (1) The Controller shall on application by the tenant or landlord of a building fix the fair rent for such building after holding such inquiry as the Controller thinks fit.

Determination of fair rent.

(2) In fixing the fair rent under this section the Controller shall have due regard—

(a) to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the 1st April 1940 ;

(b) to the rental value as entered in the property tax assessment book of the municipal council, local board or the Corporation of Madras, as the case may be, relating to the period mentioned in clause (a) ;

(c) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the 1st April 1940.

(3) In fixing the fair rent of residential buildings, the Controller may allow—

(i) if the rent or rental value referred to in sub-section (2) does not exceed Rs. 25 per mensem, an increase not exceeding 8-1/3 per cent on such rate or rental value ;

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(ii) if the rate of rent or rental value exceeds Rs. 25 per mensem but does not exceed Rs. 50 per mensem an increase not exceeding $12\frac{1}{2}$ per cent on such rate or rental value;

(iii) if the rate of rent or rental value exceeds Rs. 50 per mensem an increase not exceeding 25 per cent on such rate or rental value :

Provided that in the case of residential building which has been constructed after the 1st April 1940, the percentage of increase shall not exceed 25, $37\frac{1}{2}$ and 50 respectively.

(4) In fixing the fair rent of non-residential buildings, the Controller may allow—

(i) if the rate of rent or rental value referred to in subsection (2) does not exceed Rs. 50 per mensem, an increase not exceeding $37\frac{1}{2}$ per cent on such rate or rental value ;

(ii) if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 50 per cent on such rate or rental value :

Provided that in the case of a non-residential building which has been constructed after the 1st April 1940, the percentage of increase shall not exceed 50 and 100 respectively.

(5) In the case of a building for which the fair rent has been fixed before the 1st October 1946, the Controller shall on the application of the landlord allow such increase in the fair rent as in the opinion of the Controller, the landlord is entitled to under this section.

5. When the fair rent of a building has been fixed under section 4, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the building is then in the occupation of a tenant, at his request :

Provided that the fair rent as increased under this section shall not exceed the fair rent payable under this Act for a similar building in the same locality with such addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed :

Provided further that any dispute between the landlord and tenant in regard to any increase claimed under this section shall be decided by the Controller.

6. When the Controller has determined the fair rent of a building—

(a) the landlord shall not claim or receive any premium or other like sum in addition to fair rent or any rent in excess

Increase in
fair rent in
what cases
admissible.

Landlord
not to claim
anything
in excess
of fair rent.

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of such fair rent, but the landlord may stipulate for, and receive as advance, an amount not exceeding one month's rent ;

(b) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent, except in cases falling under section 5 or clause (a) of this section, shall be null and void in respect of such addition or excess and shall be construed as if it were an agreement for payment of the fair rent ;

(c) any sum paid in excess of the fair rent, whether before or after the 1st October 1946 in respect of the use of the building after that date, shall be refunded to the person by whom it was paid or, at the option of such person, otherwise adjusted.

7. (1) A tenant in possession of a building shall not be evicted therefrom, whether in execution of a decree or otherwise and whether before or after the termination of the tenancy, except in accordance with the provisions of this section : Eviction of tenants.

Provided that nothing contained in this section shall apply to a tenant whose landlord is the Provincial Government :

Provided further that where the tenant denies the title of the landlord or claims right of permanent tenancy, the Controller shall decide whether the denial or claim is *bona fide* and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a Civil Court and the Court may pass a decree for eviction on any of the grounds mentioned in this section, notwithstanding that the Court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied—

(i) that the tenant has not paid or tendered the rent due by him in respect of the building, within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable, or

(ii) that the tenant has after the 1st October 1946 without the written consent of the landlord—

(a) transferred his right under the lease or sub-let the entire building or any portion thereof, or

(b) used the building for a purpose other than that for which it was leased, or

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(iii) that the tenants has committed such acts of waste as are likely to impair materially the value or utility of the building, or

(iv) that the tenant has been guilty of such acts and conduct which are a nuisance to the occupiers of buildings in the neighbourhood, or

(v) that where the building is situated in a place other than a hill-station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause,

the Controller shall make an order directing the tenant to put the landlord in possession of the building and if the Controller is not so satisfied, he shall make an order rejecting the application.

(3) (a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession—

(i) in the case of a residential building, if he requires it for his own occupation and if he is not occupying a residential building of his own in the city, town or village concerned ;

(ii) in the case of a non-residential building, if he is not occupying for purposes of a business which he is carrying on, a non-residential building in the city, town or village concerned which is his own or to the possession of which he is entitled :

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period :

Provided further that where a landlord has obtained possession of a building under this clause, he shall not be entitled to apply again under this clause—

(i) in case he has obtained possession of a residential building, for possession of another residential building of his own ;

(ii) in case he has obtained possession of a non-residential building, for possession of another non-residential building of his own.

(b) The Controller shall, if he is satisfied that the claim of the landlord is *bona fide*, make an order directing the tenant to put the landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application :

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.

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(4) Where a landlord who has obtained possession of a building in pursuance of an order under sub-section (3) does not himself occupy it within one month of the date of obtaining possession, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of the building and the Controller shall make an order accordingly.

(5) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding fifty rupees be paid by such landlord to the tenant.

(6) Where an application under sub-section (2) or sub-section (3) for evicting a tenant has been rejected by the Controller, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in sub-section (2) or sub-section (3).

8. (1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant. **Landlord not to interfere with amenities enjoyed by the tenant.**

(2) A tenant in occupation of a building may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.

(3) If the Controller on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to restore such amenities.

9. Every order made under section 7 or section 8 and every order passed on appeal under section 12 shall be executed— **Execution of orders.**

(i) in the City of Madras, by the Principal Judge of the Madras City Civil Court and during the vacation of that Court, by the Vacation Judge of the Court of Small Causes, Madras;

(ii) elsewhere, by the Subordinate Judge or if there are more than one Subordinate Judge, by the Principal Subordinate Judge having original jurisdiction over the area in which the building is situated or, if there is no such Subordinate Judge, by the District Judge having jurisdiction, as if it were a decree passed by him.

10. The Controller shall summarily reject any application under sub-section (2) or under sub-section (3) of section 7 which raises between the same parties or between parties **Decisions which have become final not to be reopened.**

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under whom they or any of them claim, substantially the same issues as have been finally decided or as purport to have been, finally decided, in a former proceeding—

(i) under the Madras House Rent Control Order, 1945, or the Madras Non-Residential Building Rent Control Order, 1945, or

(ii) under the Madras Buildings (Lease and Rent Control) Act, 1946, or on or after the 1st October 1948, under that Act, on the footing that it was in force at the relevant time, or

Madras Act
XV of 1946.

(iii) under the Act aforesaid as applied to the Pudukkottai and Banganapalle States, under the Extra-Provincial Jurisdiction Act, 1947, on the footing aforesaid, or

Central Act
XLVII of
1947.

(iv) under the Madras Buildings (Lease and Rent Control) Ordinance, 1949, or

Madras
Ordinance
V of 1949.

(v) under this Act.

Conversion
of non-
residential
buildings
and failure
by landlord
to make
necessary
repairs.

11. (1) No residential building shall be converted into a non-residential building except with the permission in writing of the Controller.

(2) If a landlord fails to make the necessary repairs to the building within a reasonable time after notice is given by the tenant, it shall be competent for the Controller to direct on application by the tenant that such repairs may be made by the tenant and that the cost thereof may be deducted from the rent which is payable by him.

Appeal.

12. (1) (a) The Provincial Government may, by general or special order notified in the *Fort St. George Gazette*, confer on such officers and authorities as they think fit, the powers of appellate authorities for the purposes of this Act, in such areas or in such classes of cases as may be specified in the order.

(b) Any person aggrieved by an order passed by the Controller may, within fifteen days from the date of receipt of such order, prefer an appeal in writing to the appellate authority having jurisdiction.

(2) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.

(3) The appellate authority shall send for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as he thinks fit either personally or through the Controller, shall decide the appeal.

(4) The decision of the appellate authority and subject only to such decision, an order of the Controller shall be final and shall not be liable to be called in question in any Court of law whether in a suit or other proceeding or by way of appeal or revision.

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13. Notwithstanding anything contained in this Act, the Exemptions. Provincial Government may, by notification in the *Fort St. George Gazette*, exempt any building or class of buildings from all or any of the provisions of this Act.

14 The executive authority of a municipal council or local Executive board or the Revenue Officer of the Corporation of Madras shall, on application made in this behalf and on payment of such fee as may, from time to time, be fixed by the Provincial Government by notification in the *Fort St. George Gazette*, grant to the applicant a certified copy of the extract from the property-tax assessment book of the municipal council, local board or the Corporation of Madras, as the case may be, showing the rental value of the building or buildings in respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act. authorities of local bodies to furnish certified extracts from property tax assessment books.

15. Every landlord and every tenant of a building shall be Landlord bound to furnish to the Controller or any person authorized by and tenant him in that behalf, such particulars in respect of the building to furnish particulars. as may be prescribed by rules made under this Act.

16 (1) If any person contravenes any of the provisions of Penalties. sub-section (1) of section 3, clause (a) of section 6, sub-section (1) of section 8, sub-section (1) of section 11 and section 15, he shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two thousand rupees or with both.

Central Act
V of 1898.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the first class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees when awarding punishment under sub-section (1).

17. (1) The Provincial Government may make rules to Power to carry out the purposes of this Act. make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed by Controllers and appellate authorities in the performance of their functions under this Act,

(b) the manner in which notices and orders under this Act shall be given or served.

(3) All rules made under this section shall be published in the *Fort St. George Gazette*, and upon such publication shall have effect as if enacted in this Act.

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Continuance
in force of
existing
proceedings,
orders, etc.

18. (1) All proceedings commenced and all action taken—

(i) under the Madras House Rent Control Order, 1945, or the Madras Non-Residential Building Rent Control Order, 1945, or

(ii) under the Madras Buildings (Lease and Rent Control) Act, 1946 (hereinafter in this section and in sections 20 and 21 referred to as the said Act) or on or after the 1st October 1948, under that Act, on the footing that it was in force at the relevant time, or

(iii) under the said Act as applied to the Pudukkottai and Banganapalle States under the Extra-Provincial Jurisdiction Act, 1947, on the footing aforesaid, or

(iv) under the Madras Buildings (Lease and Rent Control) Ordinance, 1949 (hereinafter in this section and in section 20 referred to as the said Ordinance),

and pending at the commencement of this Act, shall, so far as may be, be deemed to have been commenced or taken under the corresponding provisions of this Act and be continued subject to the provisions thereof.

(2) All orders passed or deemed or purporting to have been passed and all decisions given or deemed or purporting to have been given—

(i) under the Madras House Rent Control Order, 1945, or the Madras Non-Residential Building Rent Control Order, 1945, or

(ii) under the said Act, or on or after the 1st October 1948, under that Act, on the footing that it was in force at the relevant time, or

(iii) under the said Act as applied to the States aforesaid on the footing aforesaid, or

(iv) under the said Ordinance, and in which fair rent has been fixed shall continue in force until they are superseded or modified under this Act by the authority competent to do so.

19. The expiration of this Act shall not—

(a) render recoverable any sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance of this Act was recoverable by him thereunder,

(b) affect any liability incurred under this Act or any punishment incurred in respect of any contravention of this Act or any order made thereunder,

(c) affect any investigation or legal proceeding in respect of any such liability or punishment as aforesaid, and any such investigation or legal proceeding may be instituted, continued or enforced and any such punishment may be imposed as if

Saving on
expiration
of Act.

Madras Act
XV of 1946.

Central Act
XLVII of
1947.
Madras
Ordinance
V of 1949.

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20. (1) Any rule or order made or deemed or purporting to have been made, any decision or direction given or deemed or purporting to have been given, any notification issued or deemed or purporting to have been issued, any action or proceeding taken, or deemed or purporting to have been taken, or anything done or deemed or purporting to have been done--

(i) under any provision of the said Act, and in force immediately before the 1st October 1948, or

(ii) on or after the 1st October 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(iii) under any provision of the said Act as applied to the Pudukkottai and Banganapalle States under the Extra-Provincial Jurisdiction Act, 1947, on the footing aforesaid, or

(iv) under any provision of the said Ordinance,

shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that it was in force at the relevant time, or made under the said Act as applied to the States aforesaid on that footing or under the said Ordinance, be deemed to be a rule or order made, decision or direction given, notification issued, action or proceeding taken, or thing done, under the corresponding provision of this Act.

(2) Any liability or penalty incurred or deemed or purporting to have been incurred, any punishment awarded or deemed or purporting to have been awarded, any application made or deemed or purporting to have been made and any prosecution commenced or deemed or purporting to have been commenced—

(i) under any provision of the said Act before the 1st October 1948, or

(ii) on or after the 1st October 1948, under any provision of the said Act on the footing that it was in force at the relevant time, or

(iii) under any provision of the said Act as applied to the States aforesaid on the footing aforesaid, or

(iv) under any provision of the said Ordinance, shall be deemed to have been incurred, awarded, made or commenced under the corresponding provision of this Act.

21. (1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the Provincial Government or any person acting under his direction or aiding or assisting him—

Indemnity for acts, etc., done after expiry of Madras Act XV of 1946.

(a) for, or on account of, or in respect of any sentence passed, any decision given or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act or the said Act as applied to the Pudukottai and Banganapalle States, or

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(b) for carrying out any sentence passed or decision given by any Court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Provincial Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said Act or the said Act as applied to the States aforesaid.

(3) Sub-section (1) and (2) shall have effect although the said Act or the said Act as applied to the States aforesaid was not or might not have been in force at the relevant time.

Repeals.

22. The Madras Buildings (Lease and Rent Control) Act, 1946, the Madras Buildings (Lease and Rent Control) Ordinance, 1949, and the Madras Buildings (Lease and Rent Control) Act, 1946, as applied to the Pudukkottai and Banganapalle States under the Extra-Provincial Jurisdiction Act, 1947, are hereby repealed.

Madras Act
XV of 1946.

Madras
Ordinance
V of 1949.

Madras Act
XV of 1946.

Central Act
XLVII of
1947.

APPENDIX VI.

[Vide item III (2) at page 637 supra.]

L.A. BILL No. 27 OF 1949.

(As passed by the Assembly.)

A Bill further to amend the Madras Prohibition Act, 1937.

WHEREAS it is expedient further to amend the Madras Prohibition Act, 1937; It is hereby enacted as follows:—

Madras Act
X of 1937.

Short title.

1. This Act may be called the Madras Prohibition (Amendment) Act, 1949.

Insertion of
new section
17-A in
Madras Act
X of 1937.

2. (1) In the Madras Prohibition Act, 1937, after section 17, the following section shall be inserted, namely:—

Madras Act
X of 1937.

Exemption
of members
of armed
forces, etc.

“ 17-A. (1) The Provincial Government, may, by notification and subject to such conditions as they think fit, exempt members of the armed forces of the Dominion of India or of any other armed forces raised or maintained by the Dominion or attached to or operating with any of its armed forces, and the members of the medical or other staff attached to any of the armed forces aforesaid, from all or any of the provisions of this Act.

(2) When issuing a notification under sub-section (1), the Provincial Government shall have power to provide that

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a breach of any of the conditions subject to which the exemption is notified shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both."

Madras
Act XII of
1948.

(2) In the Madras Prohibition (Amendment) Act, 1948, section 1, sub-section (3), and section 3 shall be omitted.

(3) The amendments made by sub-sections (1) and (2) shall come into force at once.

3. The Madras Prohibition (Amendment) Ordinance, 1949, is hereby repealed.

Repeal of
Madras
Ordinance
IX of 1949.

APPENDIX VII.

[Vide item III (3) at page 653 supra.]

L.A. BILL No. 28 OF 1949.

(As passed by the Assembly.)

A Bill to provide for the control of the sale, supply and distribution of drugs.

WHEREAS it is necessary to provide for the control of the sale, supply and distribution of drugs in the Province of Madras, it is hereby enacted as follows :—

1. (1) This Act may be called the Madras Drugs (Control) Act, 1949.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Province of Madras.

(3) It shall come into force at once.

2. (1) In this Act, unless there is anything repugnant in the subject or context—

Interpreta-
tion.

(a) "Commissioner" means the Commissioner of Civil Supplies, Madras;

(b) "dealer" means a person carrying on, either personally or through any other person, the business of selling any drugs, wholesale or in retail;

(c) "drug" means any drug as defined in clause (b) of section 3 of the Drugs Act, 1940, in respect of which a declaration has been made under section 3;

Central Act
XXIII of
1940.

(d) "Gazette" means the *Fort St. George Gazette*;

(e) "offer for sale" includes a reference to an intimation by a person of the price proposed by him for a sale of any drug, made by the publication of a price list, by

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exposing the drug for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(f) "producer" includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person;

(ii) notwithstanding that it is mortgaged to another person.

Drugs to which this Act applies.

3. The Provincial Government may, by notification in the Gazette, declare any drug to be a drug to which this Act shall apply.

Fixing of maximum prices and maximum quantities which may be held or sold.

4. (1) The Commissioner may, by notification in the Gazette, fix in respect of any drug—

(a) the maximum price or rate which may be charged by a dealer or producer;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer;

(c) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this section may be different in different localities or for different classes of dealers or producers.

Restrictions on sale, etc., where maximum is fixed under section 4.

5. No dealer or producer shall—

(a) sell, agree to sell, offer for sale or otherwise dispose of to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4;

(b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4; or

(c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any drug exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4.

General limitation on quantity which may be possessed at one time.

6. (1) No person shall have in his possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

(2) This section shall apply only to such drugs as the Commissioner may, by order published in the Gazette, specify for the purpose:

Provided that nothing contained in this section shall apply to a dealer or producer in respect of any drug sold or produced by him.

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7. Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the Commissioner or other officer empowered in this behalf by the Commissioner, and shall take such action as to the storage, distribution or disposal of the excess quantity as the Commissioner may direct.

Duty to declare possession of excess stocks.

8. No dealer or producer shall, unless previously authorized to do so by the Commissioner, without sufficient cause, refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

Refusal to sell.

Explanation.—The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

9. (1) Every dealer or producer when selling any drug for cash shall, if the amount of the purchase is five rupees or more, in all cases, and, if the amount of the purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

Cash memorandum to be given of certain sales.

(2) The Commissioner may, by notification in the Gazette, prescribe the particulars to be contained in any such cash memorandum.

(3) The Commissioner may, by notification in the Gazette, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

10. (1) The Commissioner may direct dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

Marking of prices and exhibiting price list.

(2) No dealer shall destroy, efface or alter any label or mark affixed to a drug and indicating the price marked by a producer.

11. Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any drug and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to that drug, if he is required to do so by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell that drug at the price so stated.

Obligation to state price separately on composite offer.

12. (1) If in the opinion of the Commissioner it is necessary or expedient so to do, he may, by order in writing—

Prohibition of sale, etc., and requisitioning of drugs.

(a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order;

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(b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order;

(c) requisition any drug (whether at the place of import or at any other place); and make such further orders as appear to him to be necessary or expedient in connexion with any order issued under this sub-section.

(2) Where the Commissioner has requisitioned any drug under sub-section (1), he may use or deal with the drug in such manner as may appear to him to be expedient, and may acquire it by serving on the owner thereof, or, where the owner is not readily traceable or the ownership is in dispute, by publishing in the Gazette, a notice stating that the Commissioner has decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the drug or published in the Gazette under sub-section (2), then at the beginning of the day on which the notice is so served or published, the drug shall vest in the Provincial Government free from any encumbrance and the requisition thereof shall be deemed to have ended.

(4) Whenever in pursuance of this section the Commissioner requisitions or acquires any drug, the owner thereof shall be paid such compensation as the Provincial Government may, by rules, prescribe.

(5) The Commissioner may, with a view to requisitioning any drug under sub-section (1) or determining the compensation payable under sub-section (4), by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the drug as may be so specified;

(b) direct that the owner of the drug shall not, without the permission of the Commissioner, dispose of it till the expiry of such period as may be specified in the order.

Penalties.

13. (1) Whoever contravenes any of the provisions of this Act or of any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) A Court convicting any person of an offence punishable under this Act may order that the whole or any part of the stock of drugs in respect of which the offence was committed shall be forfeited to the Provincial Government.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of this Act to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

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14. Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence. Offences by corporations.

15. (1) No person shall investigate any offence under this Act unless he is— Procedure.

(a) a Police officer of or above the rank of an Inspector of Police, or

(b) an officer of any department other than the Police who is authorized in this behalf by the Provincial Government by notification in the Gazette.

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Provincial Government or such officer as they may, by notification in the Gazette, authorize in this behalf.

16. Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being, committed, and take possession of any stock of drugs in respect of which the offence has been, or is being, committed. Powers of search and seizure.

17. (1) The Provincial Government may make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the maintenance by dealers and producers generally, or by any dealer or producer in particular, of records of all sale and purchase transactions made by them;

(b) the furnishing of any information as may be required with respect to the business carried on by any dealer or producer;

(c) the inspection of any books of account or other documents belonging to or under the control of any dealer or producer;

(d) the compensation which shall be payable under section 12 and the manner in which such compensation shall be determined.

18. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act. Protection of action taken in good faith.

19. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act. Saving of other laws.

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Repeal and
saving.

20. (1) The Madras Drugs (Control) Ordinance, 1949, is hereby repealed. Madras Ordinance III of 1949.

(2) Notwithstanding such repeal, any rules made, notifications or orders issued, action taken, or thing done in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, issued, taken or done in the exercise of the powers conferred by or under this Act as if this Act had come into force on the 3rd day of October 1949.

APPENDIX VIII.

[Vide item III (4) at page 656 supra.]

L.A. BILL No. 29 OF 1949.

(As passed by the Assembly.)

A Bill to provide for the temporary protection of certain classes of tenants and ryots in the Province of Madras.

WHEREAS it is necessary, pending further legislation, to provide for the temporary protection against eviction of tenants to whom the Malabar Tenancy Act, 1929, applies and of tenants of private lands in estates governed by the Madras Estates Land Act, 1908, and against sale of the holdings of such tenants and of ryots in such estates and to provide for the stay of suits and other proceedings relating to such eviction and sale; It is hereby enacted as follows:— Madras Act XIV of 1930.
Madras Act I of 1908.

Short title,
application,
commence-
ment and
duration.

1. (1) This Act may be called the Madras Tenants and Ryots Protection Act, 1949.

(2) It applies to—

(a) tenants in the district of Malabar governed by the Malabar Tenancy Act, 1929; Madras Act XIV of 1930.

(b) ryots in estates in the Province of Madras governed by the Madras Estates Land Act, 1908; and Madras Act I of 1908.

(c) tenants of private lands in such estates.

(3) It shall come into force at once and shall remain in force up to and inclusive of the 7th October 1950.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891, shall apply as if this Act had then been repealed by a Madras Act. Madras Act I of 1891.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(a) the expressions 'estate,' 'holding,' 'private land,' 'rent' and 'ryot' shall in relation to estates governed by the Madras Estates Land Act, 1908, have the same meanings respectively as in that Act; Madras Act I of 1908.

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Madras
Act XIV of
1930.

(b) the expressions ' evictions,' ' holding,' ' rent ' and ' tenant ' shall in relation to cases governed by the Malabar Tenancy Act, 1929, have the same meanings respectively as in that Act;

Madras
Act I of
1908.

(c) the expression ' landlord ' shall mean—
(i) in relation to estates governed by the Madras Estates Land Act, 1908, ' landholder ' as defined in that Act; and

Madras
Act XIV of
1930.

(ii) in relation to cases governed by the Malabar Tenancy Act, 1929 ' landlord ' as defined in that Act.

3. During the continuance of this Act and subject to the provisions of sections 4 and 5—

Ryots and
tenants not
to be
evicted.

(a) no tenant in the district of Malabar, and no tenant of any private land in an estate shall be liable to be evicted by his landlord in pursuance of a decree or order for eviction; and

(b) no holding of a tenant or ryot shall be liable to be sold or brought to sale in pursuance of a decree, order, or other proceeding for recovery of rent.

4. (1) All suits, proceedings in execution of decrees or orders and other proceedings—

Stay of
suits and
proceedings
for eviction
of tenants.

(a) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(b) in which the sale of the holding of a tenant or ryot for recovery of rent is claimed

and which stood stayed up to the commencement of this Act or which may be instituted after such commencement in any civil or revenue court, shall continue to stand stayed or shall stand stayed, as the case may be, subject to the provisions of the following sub-sections:

Provided that nothing contained in this sub-section shall affect the power of the court to grant any relief of the nature specified in section 94 of the Code of Civil Procedure, 1908, with a view to prevent wilful waste by the tenant or any person claiming under him.

Central
Act V of
1908.

(2) Where in a suit for eviction there is also a claim for rent, the tenant shall within two months from the date of institution of the suit, deposit in court, for payment to the landlord the arrears of rent claimed in the plaint, or an amount equivalent to rent for two years at the rate claimed in the plaint, whichever is less, together with such interest as may be payable under law, custom or agreement.

(3) Notwithstanding the expiry of the period specified in sub-section (2) the court may, if satisfied that the tenant was prevented by sufficient cause from making the deposit within the period aforesaid, allow the deposit to be made within a specified period not exceeding one month and may extend it by such period or periods not exceeding one month in the aggregate, as it thinks fit.

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(4) where a suit or other proceedings is stayed under sub-section (1), the tenant or ryot shall, so long as this Act is in force, deposit or continue to deposit in court, for payment to the landlord, each year's rent as it accrues due, within a period of two months from the date on which it becomes payable or such further period or periods not exceeding two months in the aggregate as may be allowed by the court.

(5) The deposit specified in sub-sections (2) and (4) may be made by the tenant or ryot or any person whose interests are likely to be affected by the eviction or sale or the holding or land.

(6) If the deposit required by sub-section (2) or sub-section (4) is not made within the time specified therein or within such time as may be granted under sub-section (3) or sub-section (4), the court shall proceed with the suit, execution proceeding or other proceeding, as the case may be, from the stage which had been reached when the suit or proceeding was stayed.

(7) Where a deposit has been made under sub-section (2), or sub-section (4) and there is a dispute in regard to the rate of rent or the existence of the arrears of rent or the amount thereof, the court may—

(i) refuse to pay to the landlord the whole of the amount deposited or, as the case may be, the portion thereof which is in dispute; or

(ii) direct the payment of the same to the landlord on such terms and conditions as it thinks fit.

(8) The provisions of sub-sections (1) to (7) shall apply *mutatis mutandis* to all proceedings pending at the commencement of this Act or instituted thereafter, in any court of appeal or revision.

Power of
Provincial
Government
to order
continuance
of suits and
proceedings.

5 Notwithstanding anything contained in section 4, the Provincial Government may direct that any suit or proceeding or class or classes thereof, stayed under sub-section (1) or sub-section (8) of that section, shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

Continuance
of suits and
proceedings
after the
expiration
of the Act.

6. All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed :

Provided that, in the case of a suit instituted after the commencement of this Act, the court may, if satisfied that such suit is vexatious or unnecessary, deprive the plaintiff of his costs and award costs to the defendant.

Power to
remove
difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

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8. (1) Any order made or purporting to have been made, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken, or any thing done or purporting to have been done—

Saving and
validation.

Madras
Act XVII
of 1946.

(a) under any provision of the Madras Tenants and Ryots Protection Act, 1946 (hereinafter in this section and in section 9 referred to as the said Act and in force immediately before the 8th October 1948), or

(b) on or after the 8th October 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

Madras
Ordinance
VII of 1949.

(c) under any provision of the Madras Tenants and Ryots Protection Ordinance, 1949 (hereinafter in this section referred to as the said Ordinance) shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that it was in force at the relevant time or made under the said Ordinance, be deemed to be an order made, decision or direction given, action or proceeding taken, or thing done, under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, and any application made or purporting to have been made—

(a) under any provision of the said Act before the 8th October 1948, or

(b) on or after the 8th October 1948 under any provision of the said Act on the footing that it was in force at the relevant time, or

(c) under any provision of the said Ordinance, shall be deemed to have been incurred or made under the corresponding provision of this Act.

9. (1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the Provincial Government or any person acting under his direction or aiding or assisting him—

Indemnity
for acts,
etc., done
after expiry
of Madras
Act XVIII
of 1946.

(a) for, or on account of, or in respect of, any decision given or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under the said Act, or

(b) for carrying out any decision given by any court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Provincial Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under the said Act.

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(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force at the relevant time.

Repeals. 10. The Madras Tenants and Ryots Protection Act, 1946, Madras Act XVII of 1946, and the Madras Tenants and Ryots Protection Ordinance, 1949, are hereby repealed. Madras Ordinance VII of 1949.

APPENDIX IX.

[Vide item III. (5) at page 658 supra.]

L.A. BILL No. 30 OF 1949.

(As passed by the Assembly.)

A Bill to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes.

WHEREAS it is necessary, pending further legislation, to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein; It is hereby enacted as follows:—

Short title,
application,
commence-
ment and
duration.

1. (1) This Act may be called the Madras Preservation of Private Forests Act, 1949.

(2) It applies—

(i) to private forests in the districts of Malabar and South Kanara having a contiguous area exceeding 100 acres and owned by a single person or by more than one person jointly;

(ii) to forests situated in estates defined in the Madras Estates Land Act, 1908, in the Province of Madras; Madras Act I of 1908.

(iii) to private forests situated in other areas in the Province of Madras and having a contiguous area exceeding 100 acres which may be declared by the Provincial Government to be forests for the purposes of this Act by notification in the *Fort St. George Gazette*,

but does not apply to reserved forests constituted under the Madras Forest Act, 1882, and lands at the disposal of the Government as defined in that Act. Madras Act V of 1882.

(3) It shall come into force at once and shall remain in force up to and inclusive of 2nd December 1950.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891, shall apply as if this Act had then been repealed by a Madras Act. Madras Act I of 1891.

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2. In this Act unless there is anything repugnant in the Definition subject or context,—

(a) 'forest' includes waste or communal land containing trees and shrubs, pasture land and any other class of land declared by the Provincial Government to be a forest by notification in the *Fort St. George Gazette*.

Explanation.—For the purposes of this clause 'communal land' means any land of the description mentioned in sub-clause (a) or sub-clause (b) of clause (16) of section 3 of the Madras Estates Land Act, 1908.

(b) 'owner' in relation to a forest includes a mortgagee, lessee or other person having right to possession and enjoyment of the forest;

(c) 'person' includes a Hindu undivided family, a Marumakkattayam tarwad or tavazhi and an Aliyasantana family or branch.

3. (1) (a) No owner of any forest shall, without the previous sanction of the District Collector, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.

Explanation.—Nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than trees and timber in the usual or customary manner, for a period not exceeding two years.

(b) Any alienation made on or after the 16th August 1946 in contravention of clause (a) shall be null and void.

(2) No owner of any forest and no person claiming under him, whether by virtue of a contract, licence or any other transaction entered into before or after the commencement of the Madras Preservation of Private Forests Act, 1946, or any other person shall, without the previous permission of the District Collector, cut trees or do any act likely to denude the forest or diminish its utility as a forest :

Provided that nothing contained in this sub-section shall apply to the removal of dead or fallen trees or to any act done for the usual or customary domestic purposes or for making agricultural implements.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Provincial Government may exempt any forest or class of forests or class of trees therein from all or any of the provisions of this section.

4. Any person aggrieved by an order under clause (a) of sub-section (1) of section 3 or under sub-section (2) of that section in regard to the sanction or permission referred to in that clause or sub-section may, within two months of the receipt of such order, prefer an appeal in writing to the Provincial Government. The Provincial Government shall pass such orders on the appeal as they may think fit.

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Stay of certain civil and criminal proceedings.

5. (1) All suits, proceedings in execution of decrees or orders and other proceedings including proceedings by way of appeal or revision, in which a claim to customary or prescriptive rights in a forest is involved and all criminal proceedings in respect of offences which are of the nature described in Chapter XVII of the Indian Penal Code and arise out of any act done in exercise or assertion of such customary or prescriptive rights, and which stood stayed up to the commencement of this Act or which may be instituted after such commencement, shall continue to stand stayed, or shall stand stayed, as the case may be, and shall not be proceeded with until after the expiration of this Act. Central Act XLV of 1860

(2) Notwithstanding anything contained in sub-section (1), the Provincial Government may direct that any suit or proceeding or class or classes thereof stayed under sub-section (1) shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

Power to prohibit or regulate certain acts.

6. If, in the opinion of the Provincial Government, it is necessary for the preservation of a forest or forests, they may, by notification in the *Fort St. George Gazette*,—

(i) prohibit or regulate the doing of any act likely to be detrimental to the preservation of such forest or forests;

(ii) regulate the exercise of customary or prescriptive rights in such forest or forests.

Penalties.

7. (1) Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 3 or any of the terms of a notification under section 6 shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class, specially empowered by the Provincial Government in this behalf, to impose a sentence of fine exceeding one thousand rupees. Central Act V of 1898.

Institution of prosecutions.

8. No prosecution shall be instituted against any person without the sanction of the District Collector.

Bar of suits.

9. No order of the Provincial Government or the District Collector under this Act and no notification issued by the Provincial Government under section 6 shall be liable to be questioned in any court of law.

Power to make rules.

10. (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the classes or kinds of trees which may be permitted to be cut and the girth of such trees;

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(b) the terms and conditions subject to which permissions may be granted;

(c) the procedure to be followed by the District Collector before granting permissions.

11. All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed.

Continuance of suits and proceedings after the expiration of the Act.

12. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

Powers to remove difficulties.

13. (1) Any rule or order made or purporting to have been made, any notification issued or purporting to have been issued, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken, or anything done or purporting to have been done—

Saving and validation.

(a) under any provision of the Madras Preservation of Private Forests Act, 1946 (hereinafter in this section and in section 14 referred to as the said Act) and in force immediately before the 3rd December 1948, or

(b) on or after the 3rd December 1948, under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(c) under any provision of the Madras Preservation of Private Forests Ordinance, 1949 (hereinafter in this section referred to as the said Ordinance) shall, subject to any subsequent modification or cancellation hereof purporting to have been made on or after that date under the said Act on the footing that the said Act was in force at the relevant time or under the said Ordinance, be deemed to be a rule or order made, notification issued, decision or direction given, action or proceeding taken, or thing done under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, and punishment awarded or purporting to have been awarded, and any prosecution commenced or purporting to have been commenced—

(a) under any provision of the said Act before the 3rd December 1948, or

(b) on or after the 3rd December 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(c) under any provision of the said Ordinance shall be deemed to have been incurred, or commenced under the corresponding provision of this Act.

Madras Act
XVIII of
1946.

Madras
Ordinance
VIII of
1949.

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demnity
acts,
done
ter expiry
Madras
VIII
1946.

14. (1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the Provincial Government or any person acting under his direction or adding or assisting him—

(a) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by the said Act, or

(b) for carrying out any sentence passed by any court in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Provincial Government for, or on account of, or in respect of any act, matter or thing whatsoever purporting to have been done in pursuance of or under the said Act.

(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force at the relevant time.

peals.

15. The Madras Preservation of Private Forests Act, 1946, and the Madras Preservation of Private Forests Ordinance, 1949, are hereby repealed.

Madras Act
XVIII of
1946.

Madras
Ordinance
VIII of
1949.

APPENDIX X.

[Vide item III (6) at page 659 supra.]

L.A. BILL No. 31 OF 1949.

(As passed by the Assembly.)

A Bill to provide for the regulation of the production, supply and distribution of jute goods in the Province of Madras.

WHEREAS it is necessary to provide for the regulation of the production, supply and distribution of jute goods in the Province of Madras; It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Madras Jute Goods Control Act, 1949.

(2) It extends to the whole of the Province of Madras.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “ Controller ” means the Jute Controller appointed by the Provincial Government under section 3;

(b) “ jute goods ” includes all jute manufactures.

Appointment
of Controller.

3. The Provincial Government may, by notification in the *Fort St. George Gazette*, appoint any person to be the Jute Controller for the Province.

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4. (1) Subject to the control of the Provincial Government, the Controller, so far as it appears to him to be necessary or expedient for regulating, maintaining or increasing the production, supply or distribution of jute goods, may, by order in writing,—

Powers of Controller to control production, supply and distribution of jute goods.

(a) require any person holding a stock of jute goods to sell the whole or a specified part thereof at such prices and to such person (including the Central or Provincial Government) or in such circumstances as may be specified in the order;

(b) require any person engaged in the production of jute goods to comply with such directions as may be specified in the order as to the type, quality or quantity of the jute goods to be produced or delivered by him from time to time.

(2) Any person to whom an order is issued under subsection (1) shall comply with such order, notwithstanding anything inconsistent therewith contained in any contract or other instrument to which he is a party.

5. If any person contravenes any order issued to him by the Controller under section 4, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Penalties.

6. If the person contravening an order issued by the Controller under section 4 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Offences by corporations.

7. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by the Controller.

Cognizance of offences.

8. (1) No suit, prosecution or other legal proceeding shall lie against any person (including the Controller) for anything which is in good faith done or intended to be done in pursuance of any order issued under section 4.

Protection of action taken under the Act.

(2) No suit or other legal proceeding shall lie against the Provincial Government, the Controller or any other person, in respect of any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order issued under section 4.

9. (1) The Madras Jute Goods Control Ordinance, 1949, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, any notifications or orders issued, action taken, or thing done in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been issued, taken or done in the exercise of the powers conferred by or under this Act as if this Act had come into force on the 5th day of November 1949.

Madras Ordinance X of 1949.

[26th November 1949]

APPENDIX XI.

[Vide item III (7) at page 661 supra.]

L.A. BILL No. 33 OF 1949.

(As passed by the Assembly.)

A Bill further to amend the Madras Hackney Carriage Act, 1911.

WHEREAS it is expedient further to amend the Madras Hackney Carriage Act, 1911, for a certain purpose; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Hackney Carriage (Amendment) Act, 1949.

Amendment
of Madras
Act V of
1911.

2. In the Madras Hackney Carriage Act, 1911—

Madras Act
V of 1911.

(i) in section 3—

(a) for clause (3), the following clause shall be substituted, namely:—

Hackney
carriage."

“(3) ‘Hackney carriage’ means any wheeled vehicle (including a cycle-rickshaw) which—

(i) is drawn, pushed or propelled by a man, or is drawn by a horse, bullock or other animal;

(ii) is used for the conveyance of any person; and

(iii) stands or plies for hire by the hour or day or according to distance”;—

(b) in clause (4) for the words “dragging or pushing” the words “drawing, pushing or propelling,” and for the words “drags or pushes”, the words “draws, pushes or propels” shall be substituted;

(ii) in section 8, clause Fourth, for the words “or pushed”, the words “pushed or propelled” shall be substituted;

(iii) in section 9, clause (f), after the word “rickshaw”, the words “cycle-rickshaw” shall be inserted, and for the words “or pushed”, the words “pushed or propelled” shall be substituted.

26th November 1949]

APPENDIX XII.

[Vide item III (8) at page 663 supra.]

L.A. BILL No. 34 OF 1949.

(As passed by the Assembly.)

A Bill further to amend the Indian Treasure-trove Act, 1878, in its application to the Province of Madras.

Central Act
VI of 1878.

WHEREAS it is expedient further to amend the Indian Treasure-trove Act, 1878, in its application to the Province of Madras, for the purposes hereinafter appearing; it is hereby enacted as follows:—

1. (1) This Act may be called the Indian Treasure-trove (Madras Amendment) Act, 1949.

Short title
and extent.

(2) It extends to the whole of the Province of Madras.

Central Act
VI of 1878.

2. Section 4 of the Indian Treasure-trove Act, 1878 (hereinafter referred to as the said Act), shall be renumbered as sub-section (1) of section 4, and after that sub-section, the following sub-section shall be added, namely:—

Amendment
of section 4,
Central Act
VI of 1878.

“(2) The owner of the place in which the treasure is found, if he is not the finder, and the occupier of such place, if he is neither the finder nor the owner, shall also give notice in writing to the Collector specifying the particulars referred to in clauses (a), (b) and (c) of sub-section (1), before the expiry of two months from the date on which the owner or the occupier, as the case may be, becomes aware of the finding of the treasure.”

3. In section 5 of the said Act, for the words, figure and brackets “On receiving a notice under section 4, the Collector shall, after making such enquiry (if any) as he thinks fit, take the following steps (namely):—”, the following shall be substituted, namely:—

Amendment
of section 4,
Central Act
VI of 1878.

“The Collector shall, on receipt of a notice under section 4, and may, on receipt of information in any other manner that treasure has been found in any place, take the following steps, after making such enquiry (if any) as he thinks fit to make:—”.

4. After section 21 of the said Act, the following section shall be added, namely:—

Addition of
new section
22 to Central
Act VI of
1878.

“22. If the owner or occupier of the place in which any treasure is found, being aware of the finding thereof, fails to give notice as required by section 4, sub-section (2), he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.”

Penalty on
owner or
occupier who
fails to give
notice under
section 4.

[26th November 1949]

APPENDIX XIII.

[Vide item III (9) at page 663 supra.]

L.A. BILL No. 35 OF 1949.

(As passed by the Assembly.)

A Bill further to amend the Madras Rivers Conservancy Act, 1884.

Short title.

WHEREAS it is expedient further to amend the Madras Rivers Conservancy Act, 1884, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Madras Act VI of 1884.

1. This Act may be called the Madras Rivers Conservancy (Amendment) Act, 1949.

Amendment of section 17 Madras Act VI of 1884.

2. In section 17 of the Madras Rivers Conservancy Act 1884, in the first paragraph, for the words "construct works thereon", the words "construct works, or plant and grow reeds, grass or shrubs thereon or cut and remove therefrom such reeds, grass or shrubs" shall be substituted.

Madras Act VI of 1884.

APPENDIX XIV.

[Vide item III (10) at page 664 supra.]

L.A. BILL No. 36 OF 1949.

(As passed by the Assembly.)

A Bill further to amend the Tuticorin Port Trust Act, 1924.

WHEREAS it is expedient further to amend the Tuticorin Port Trust Act, 1924, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Madras Act II of 1924.

Short title and commencement.

1. (1) This Act may be called the Tuticorin Port Trust (Amendment) Act, 1949.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Amendment of section 5, Madras Act I of 1924.

2. In the Tuticorin Port Trust Act, 1924 (hereinafter referred to as the said Act), in section 5, sub-section (1), for the words "such number of Trustees, not being less than nine or more than thirteen," the words "such number of Trustees, not being less than thirteen or more than seventeen," shall be substituted.

Madras Act II of 1924.

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3. In section 6 of the said Act—

(i) the second sentence of sub-section (1), and sub-section (2), shall be omitted; and in lieu thereof, the following sub-section shall be substituted, namely:—

Amendment
of section 6,
Madras Act
I of 1924.

“(2) (a) The members for the time being of each of the following bodies shall be entitled to elect the number of Trustees specified against it, at a meeting of the body held in accordance with its rules as then in force:—

- (i) The Tuticorin Municipal Council .. 2 Trustees.
- (ii) The Tuticorin Chamber of Commerce. 2 Trustees.
- (iii) The Indian Chamber of Commerce, Tuticorin. 4 Trustees.
- (iv) The Tuticorin Trades Association. 1 Trustee.
- (v) The Tuticorin-Ceylon Current Exporters' and Importers' Chamber. 1 Trustee.
- (vi) The Hardware Merchants' Association, Tuticorin. 1 Trustee.

Provided that a person who is a member of two or more of the bodies referred to in items (ii) to (vi) above shall not vote except as a member of one of those bodies chosen by him, such choice not being revocable for a period of two years reckoned from the date on which he last so voted, whether he continues to be a member of that body or not.

(b) A return of the name of every person elected as Trustee under clause (a) shall be made to the Provincial Government by the Chairman or President of the body concerned.”;

(ii) sub-section (3) shall be renumbered as sub-section (4), and the following shall be inserted as sub-section (3), namely:—

“(3) One Trustee shall be appointed by the Provincial Government from a panel consisting of persons elected by trade unions of workers at the port, which have been registered under the Indian Trade Unions Act, 1926, the members for the time being of each of the unions being entitled to elect one person to the panel at a meeting of the union held in accordance with its rules as then in force.”

4. For section 12 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 12.
Madras Act
II of 1924.

“12. (1) Every vacancy in the office of a Trustee elected under section 6, sub-section (2), shall be filled up by the body concerned, within one month of the occurrence of the vacancy, in the manner provided in that sub-section.

Filling up of
vacancies
arising in
Board of
Trustees.

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(2) Every vacancy in the office of a Trustee appointed under section 6, sub-section (3), shall be filled up by the Provincial Government from a panel constituted in the manner provided in that sub-section, all elections to the panel by the trade unions concerned being made within one month of the occurrence of the vacancy :

Provided that if any one or more of such unions do not elect persons to the panel within the period aforesaid, the vacancy shall be filled up by the appointment of the person, or one of the persons, elected to the panel within the said period by the remaining union or unions :

Provided further that if no person is elected to the panel by any of the unions within the period aforesaid, the Provincial Government shall have power to fill up the vacancy by appointing any person they think fit.

(3) If the Chairman or Vice-Chairman appointed under section 6, sub-section (1), or any Trustee appointed under section 6, sub-section (4), ceases to hold office, the Provincial Government may appoint a Chairman, Vice-Chairman or Trustee, as the case may be."

Continuance
in office of
existing
Trustees.

5. Notwithstanding anything contained in this Act or in the said Act as amended by this Act—

(a) every Trustee holding office at the commencement of this Act shall, subject to the provisions of sections 8 and 15 of the said Act, be entitled to continue as a Trustee for the remainder of his term of office ;

(b) every acting Trustee holding office as such at the commencement of this Act under section 15, sub-section (1), of the said Act, shall, subject to the provisions of sections 8 and 15 of the said Act, be entitled to continue as an acting Trustee for the period specified in the said section 15, sub-section (1) ;

(c) any person who is an absent Trustee at the commencement of this Act shall be entitled to resume his office as Trustee under the said Act in accordance with the provisions of section 15, sub-section (1), thereof.

First elec-
tion and
appointment
of certain
Trustees.

6. (1) Each of the bodies referred to in items (iv) to (vi) of section 6, sub-section (2) (a), of the said Act as amended by this Act, shall elect a Trustee in the manner provided in that sub-section within one month of the commencement of this Act.

(2) If any such body does not elect a Trustee within the period aforesaid, the Provincial Government may appoint any person they think fit to be a Trustee ; and such person shall be deemed to be a Trustee elected by such body.

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(3) For the purpose of appointing the first Trustee under section 6, sub-section (3), of the said Act as amended by this Act, the provisions of section 12, sub-section (2), of the said Act as amended by this Act shall apply as if a vacancy in the office of the Trustee had occurred at the commencement of this Act.

APPENDIX XV.

[Vide item III (11) at page 665 supra.]

L.A. BILL No. 37 OF 1949.

(As passed by the Assembly.)

A Bill further to amend the Madras Registration of Births and Deaths Act, 1899.

Madras Act
III of 1899.

WHEREAS it is expedient further to amend the Madras Registration of Births and Deaths Act, 1899, for certain purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Registration of Births and Deaths (Amendment) Act, 1949. Short title
and com-
mencement.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Madras Act
II of 1899.

2. In section 17 of the Madras Registration of Births and Deaths Act, 1899— Amendment
of section 17.
Madras Act
III of 1899.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

‘ (1) Subject to any rules which the Provincial Government may make under section 20, including rules relating to the payment of fees and postal charges, any person may—

(a) cause a search to be made by the Registrar for any entry in a register of births and deaths; and

(b) obtain an extract from such register relating to any birth or death ”;

(ii) in sub-section (2), after the words “ this section ”, the words and figures “ shall be in the form prescribed by rules made under section 20 ”, shall be inserted.

[26th November 1949]

APPENDIX XVI.

[Vide item III (12) at page 666 supra.]

L.A. BILL No. 38 OF 1949.

(As passed by the Assembly.)

A Bill further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Province of Madras.

WHEREAS it is expedient further to amend the Provincial Small Cause Courts Act, 1887, in its application to the Province of Madras, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Central Act
IX of 1887.

Short title,
extent and
commence-
ment,

1. (1) This Act may be called the Provincial Small Cause Courts (Madras Amendment) Act, 1949.

(2) It extends to the whole of the Province of Madras.

(3) It shall be deemed to have come into force on the 1st day of April 1947.

Insertion of
new section
28-A in
Central Act
IX of 1887.

2. After section 28 of the Provincial Small Cause Courts Act, 1887, the following section shall be inserted, namely :—

Central Act
IX of 1887.

Vacation.

“ 28-A. The High Court may permit a Court of Small Causes to adjourn from time to time for periods not exceeding in the aggregate two months in each year.”